


CAN. LAWS, STATUTES

STATUTES



Digitized by the Internet Archive
in 2014



PREFIX TO STATUTES, 1964-65

ACTS PROCLAIMED IN FORCE

LIST OF PROCLAMATIONS FROM JANUARY 7, 1964
TO APRIL 10, 1965

MISCELLANEOUS PROCLAMATIONS

AMENDMENT OF 1964 TO THE BRITISH NORTH AMERICA
ACT, 1867



ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

INDEX TO CONTENTS OF PREFIX

| | |
|---|------|
| Amendment of 1964 to the B.N.A. Act, 1867..... | v |
| Acts proclaimed in force..... | vii |
| Proclamations, January 7, 1964 to April 10, 1965..... | vii |
| Miscellaneous proclamations..... | viii |

ELIZABETH II



1964 CHAPTER 73

An Act to amend the British North America Act, 1867.
[31st July, 1964]

WHEREAS the Senate and House of Commons of Canada in Parliament assembled have submitted an Address to Her Majesty praying that Her Majesty may graciously be pleased to cause a measure to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Section 94A of the British North America Act, 1867 is hereby repealed and the following substituted therefor:

"Legislation respecting old age pensions and supplementary benefits.

94A. The Parliament of Canada may make laws in relation to old age pensions and supplementary benefits, including survivors' and disability benefits irrespective of age, but no such law shall affect the operation of any law present or future of a provincial legislature in relation to any such matter."

Amendment as to legislation respecting old age pensions. 30 & 31 Vict. c. 3.

2. This Act may be cited as the British North America Act, 1964; and the British North America Acts, 1867 to 1960 and this Act may be cited together as the British North America Acts, 1867 to 1964.

Short title and citation.

PROCLAMATIONS OF CANADA—JANUARY 7, 1964 TO APRIL 10, 1965.

| | DATE IN FORCE | CANADA GAZETTE |
|--|------------------|-------------------------------------|
| Acts Proclaimed:— | | |
| Canada Shipping Act, Chapter 29 of 1952 Revised Statutes; Part IV of the Act in force in the Province of Newfoundland..... | 1 Jan., 1965 | Vol. 99, p. 19 |
| Canada-United Kingdom Income Tax Agreement Act, Chapter 38 of 1946 Statutes—ceasing to be in force..... | 1 Jan., 1965 | Vol. 99, p. 78 |
| Canadian Citizenship Act, Chapter 33 of 1952 Revised Statutes —Declaring the Colony of Malta to be a country of the British Commonwealth..... | 4 Dec., 1964 | Vol. 98, p. 3791 |
| Carriage by Air Act, an Act to amend, Chapter 33 of 1963 Statutes..... | 18 July, 1964 | Vol. 98, p. 2177 |
| Civil Service Act, Chapter 57 of 1960-61 Statutes (s. 62). Declaring Sept. 1, 1964 to be a holiday for the Civil Servants in the Province of P.E.I..... | 1 Sept., 1964 | Vol. 98, p. 2665 |
| Fixing the 7th day of October, 1964 as a holiday for the Civil Servants in the Province of P.E.I..... | 7 Oct., 1964 | Vol. 98, p. 3060 |
| Fixing the afternoon of 24th December, and 31st December, 1964, as holidays for Civil Servants..... | 28 Nov., 1964 | Vol. 98, p. 3612 |
| Currency, Mint and Exchange Fund Act, Chapter 315 of 1952 Revised Statutes—prescribing a new design for the obverse impression on coins of all denominations..... | 2 Jan., 1965 | Vol. 98, p. 2409 |
| Electoral Boundaries Readjustment Act, Chapter 31 of 1964-65 Statutes—Establishing Electoral Boundaries Commis- sions, one for each of the ten provinces..... | 20 Jan., 1965 | Vol. 99, p. 335 |
| Farm Machinery Syndicates Credit Act, Chapter 29 of 1964-65 Statutes..... | 11 Dec., 1964 | Vol. 98, p. 3956 |
| Harbour Commissioners Act, Chapter 32 of 1964-65 Statutes— Establishing the New Westminster Harbour Commis- sioners under the corporate name of Fraser River Harbour Commission and defining the limits of the Fraser River Harbour..... | 31 Mar., 1965 | Vol. 99, p. 1182 |
| Indian Act, Chapter 149 of 1952 Revised Statutes (s. 96A) in force in certain Reserves in the Provinces of Nova Scotia, Ontario and British Columbia..... | 10 Feb., 1964 | Vol. 98, p. 460 |
| Crane River Indian Reserve, Manitoba..... | 20 Mar., 1964 | Vol. 98, p. 1004 |
| Certain Reserves in Ontario and Chapel Island, Nova Scotia..... | 7 May, 1964 | Vol. 98, p. 1456 |
| Certain Reserves in Province of British Columbia... | 22 June, 1964 | Vol. 98, p. 1892 |
| Certain Reserves in Province of Ontario..... | 3 June, 1964 | Vol. 98, p. 2039 |
| Certain Reserves in Province of British Columbia... | 13 July, 1964 | Vol. 98, p. 2108 |
| Certain Reserves in Province of British Columbia... | 24 July, 1964 | Vol. 98, p. 2269 |
| Certain Reserves in the Provinces of Ontario and British Columbia..... | 28 July, 1964 | Vol. 98, p. 2334 |
| Certain Reserves in the Province of British Columbia Ebb and Flow Indian Reserve in the Province of Manitoba..... | 24 Sept., 1964 | Vol. 98, p. 2973 |
| Certain Reserves in the Province of British Columbia | 18 Mar., 1965 | Vol. 99, p. 1029 |
| | 1 Apr., 1965 | Vol. 99, p. 1182 |
| Juvenile Delinquents Act, Chapter 160 of 1952 Revised Statutes—brought into force in the Judicial District of Kamouraska and Rimouski, Province of Quebec..... | 2 Jan., 1965 | Vol. 98, p. 3704 |
| St. Maurice, Province of Quebec..... | 11 Jan., 1965 | Vol. 99, p. 164 |
| National Defence Act, Chapter 21 of 1964-65 Statutes..... | 1 Aug., 1964 | Vol. 98, p. 2270 |
| National Flag of Canada—Royal Proclamation (1964-65 Statutes)—designating a red and white Maple Leaf flag as the National Flag of Canada..... | 15 Feb., 1965 | Vol. 99, p. 505 Ex. 8 Feb., 1965 |
| Navigable Waters Protection Act, Chapter 193 (s. 22) of 1952 Revised Statutes—Exempting a certain portion of the bed of the Strait of Juan de Fuca, B.C., from the operation of s. 19..... | 31 Dec., 1963 | Vol. 98, p. 85 |

PROCLAMATIONS OF CANADA—JANUARY 7, 1964 TO APRIL 10, 1965.—*Concluded*

| | DATE IN FORCE | CANADA GAZETTE |
|---|------------------|--------------------------------------|
| Acts Proclaimed— <i>concluded</i> | | |
| Navigable Waters Protection Act— <i>concluded</i> | | |
| Exempting part of the Columbia River in the Kootenay District of B.C. from the operation of s. 20..... | 18 Mar., 1965 | Vol. 99, p. 1103 |
| Newfoundland Acts Repealed respecting Harbours and Pilot- ages, Chapter 33 of 1964-65 Statutes..... | 31 Dec., 1964 | Vol. 99, p. 19 |
| Prisons and Reformatories Act, Chapter 217 of 1952 Revised Statutes—ss. 18, 19 and 20 brought into force with respect to McCreights Camp, Thessalon, Ontario..... | 1 Feb., 1965 | Vol. 99, p. 336 |
| Roosevelt Campobello International Park Act, Chapter 19 of 1964-65 Statutes..... | 14 Aug., 1964 | Vol. 98, p. 2492 |
| Territorial Sea and Fishing Zones of Canada, Chapter 22 of 1964-65 Statutes..... | 23 July, 1964 | Vol. 98, p. 2178 |
| Trans-Canada Air Lines Act, Chapter 2 of 1964-65 Statutes... | 1 Jan., 1965 | Vol. 98, p. 2269 |
| Miscellaneous:— | | |
| Fire Prevention Week, Oct. 4-10, 1964..... | 4 Oct., 1964 | Vol. 98, p. 2491 |
| Parliament:— | | |
| Opening of Parliament..... | 18 Feb., 1964 | Vol. 98, p. 313 |
| Prorogation of Parliament..... | 3 Apr., 1965 | Vol. 99, p. 1195 Ex. 3 Apr., 1965 |
| Opening of Parliament..... | 5 Apr., 1965 | Vol. 99, p. 1197 |



ACTS OF THE PARLIAMENT OF CANADA

PASSED IN THE SESSION HELD IN THE

THIRTEENTH - FOURTEENTH YEARS OF THE REIGN OF HER MAJESTY

QUEEN ELIZABETH II

BEING THE

SECOND SESSION OF THE TWENTY-SIXTH PARLIAMENT

Begun and holden at Ottawa, on the Eighteenth day of February, 1964,
and prorogued on the Third day of April, 1965.

HIS EXCELLENCY GENERAL

GEORGES PHILIAS VANIER

GOVERNOR GENERAL

PART I

PUBLIC GENERAL ACTS

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965



998850

Statutes
Can
1964/65
v. 1

13 ELIZABETH II.

CHAP. 1

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1965.

[Assented to 30th March, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1965, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that: Preamble.

1. This Act may be cited as the *Appropriation Act No. 1, 1964.* Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred and eighty-four million, one hundred and twenty thousand, two hundred and sixty dollars and eighteen cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1964 to the 31st day of March, 1965, not otherwise provided for, and being the aggregate of \$684,129,260.19
granted for
1964-65.

- (a) two-twelfths of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1965, as laid before the House of Commons at the present session of Parliament.....\$658,598,418.50;
- (b) five-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A.....\$402,291.67;

- (c) four-twelfths of the amount of the item in the said Main Estimates set forth in Schedule B\$416,666.67;
- (d) three-twelfths of the amount of the item in the said Main Estimates set forth in Schedule C\$5,838,000.00;
- (e) two-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule D.....\$6,661,116.67;
- (f) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule E.....\$12,203,766.67.

Purpose and effect of each item

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Power to raise loan of \$1,000,000,000 for public works and general purposes.
R.S., c. 116

5. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

Lapse of prior borrowing powers.

(2) All borrowing powers that are authorized by section 7 of chapter 1 and by section 4 of chapter 15 of the statutes of 1963 and are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to be rendered
R.S., c. 116

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$402,291.67, being five-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|--------|----------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| 20 | Other payments to International Organizations and Programs, as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December 1963, which is..... | | *965,500 |

*Net total \$402,291.67.

SCHEDULE B.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$416,666.67, being four-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|------------|
| | | \$ | \$ |
| | ATOMIC ENERGY | | |
| | ATOMIC ENERGY CONTROL BOARD | | |
| 5 | Grants for Researches and Investigations with respect to Atomic Energy..... | | *1,250,000 |

*Net total \$416,666.67.

SCHEDULE C.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$5,838,000.00, being three-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|-------------|
| | | \$ | \$ |
| | NATIONAL RESEARCH COUNCIL | | |
| 10 | Scholarships and Grants in aid of research..... | | *23,352,000 |

*Net Total \$5,838,000.00.

SCHEDULE D.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$6,661,116.67, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------------|
| | | \$ | \$ |
| | FISHERIES | | |
| | FISHERIES MANAGEMENT AND DEVELOPMENT | | |
| 15 | Grants, contributions and subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates..... | 1,050,000 | |
| | LEGISLATION | | |
| | HOUSE OF COMMONS | | |
| 20 | General Administration..... | 4,266,700 | |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | GEOLOGICAL RESEARCH | | |
| 25 | Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England and \$100,000 for grants in aid of Geological Research in Canadian Universities..... | 6,650,000 | |
| | TRANSPORT | | |
| | D—CANADIAN MARITIME COMMISSION | | |
| 95 | Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council..... | 28,000,000 | |
| | | | *39,966,700 |

*Net Total \$6,661,116.67.

SCHEDULE E.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$12,203,766.67, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------|
| | | \$ | \$ |
| | FINANCE | | |
| | COMPTROLLER OF THE TREASURY | | |
| 25 | Administration, including the administration of the Superannuation and Retirement Acts..... | 24,692,500 | |
| | LABOUR | | |
| | B—UNEMPLOYMENT INSURANCE COMMISSION | | |
| 30 | Administration of the Unemployment Insurance Act including the transfer of labour to places where employment is available and expenses incidental thereto in accordance with Regulations of the Governor in Council..... | 53,351,300 | |
| | LEGISLATION | | |
| | THE SENATE | | |
| 5 | General Administration..... | 932,600 | |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING | | |
| 10 | Administration, Operation and Maintenance including purchases of air photography and the expenses of the Interdepartmental Committee on Air Surveys, authority to make recoverable advances not exceeding the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights and a grant of \$1,000 to the Canadian Institute of Surveying..... | 6,785,000 | |
| | MARINE SURVEYS AND RESEARCH | | |
| 15 | Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau..... | 7,131,000 | |
| | GEOGRAPHICAL SURVEYS AND RESEARCH | | |
| 45 | Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union and a grant of \$500 to the Canadian Association of Geographers.. | 653,000 | |

SCHEDULE E—Concluded

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|--------------|
| | | \$ | \$ |
| | MINES AND TECHNICAL SURVEYS (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| | RESEARCH IN ASTRONOMY AND GEOPHYSICS | | |
| 50 | Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a grant of \$3,500 to the Royal Astronomical Society of Canada.... | 2,102,000 | |
| | GENERAL | | |
| 60 | Polar Continental Shelf Project..... | 1,596,000 | |
| | NATIONAL REVENUE | | |
| | TAXATION | | |
| 5 | General Administration and District Offices..... | 42,703,000 | |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | ADMINISTRATION AND GENERAL | | |
| 1 | Departmental Administration including Federal share of the expenses of the Secretariat for the Canadian Council of Resource Ministers and \$120,000 for grants for northern research and for northern scientific research expeditions.... | 1,591,500 | |
| | TRADE AND COMMERCE | | |
| | A—DEPARTMENT | | |
| | GENERAL ADMINISTRATION | | |
| 15 | Canadian Government Travel Bureau—To assist in promoting the Tourist Business in Canada including a grant of \$37,000 to the Canadian Tourist Association..... | 4,907,300 | |
| | | | *146,445,200 |

* Net total \$12,203,766.67.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1964

13 ELIZABETH II.

CHAP. 2

An Act respecting the Trans-Canada Air Lines Act.

[Assented to March 30, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 268;
1952-53, c. 50.

1. Wherever, in the *Trans-Canada Air Lines Act*, or in any other statute of Canada or in any regulation, order, deed, contract, lease or other instrument, the words "Trans-Canada Air Lines", or "Lignes aériennes Trans-Canada" or "Trans-Canada" appear, there shall be substituted therefor the words "Air Canada".

Name
changed to
"Air
Canada".

2. All property, rights, obligations and liabilities that existed, and anything done by or to Trans-Canada Air Lines before the coming into force of this Act shall be deemed to be property, rights, obligations and liabilities, and to have been done by or to or acquired or incurred by Air Canada.

Rights
saved.

3. Paragraph (k) of subsection (1) of section 14 of the *Trans-Canada Air Lines Act* is repealed and the following substituted therefor:

"(k) to use the words "Air Canada", "Trans-Canada Air Lines", "Lignes aériennes Trans-Canada", or any abbreviation thereof, as a trade name, mark or designation for any purpose connected with the business of the Corporation, and no other person shall hereafter use any such name, mark or designation for any purpose."

Coming
into
force.

4. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 3

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1964.

[Assented to 3rd April, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1964, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 3, 1964*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole twenty-three million, three hundred and sixty-eight thousand, six hundred and forty-eight dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1963 to the 31st day of March, 1964, not otherwise provided for, and being the total of the amounts of the items set forth in the Schedule to this Act. \$23,368,648 granted for 1963-64.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and con-

Purpose and effect of each item.

ditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1963.

Commit-
ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Amounts
chargeable
to year
ending 31st
March, 1964.

5. Notwithstanding the provisions of the *Financial Administration Act*, the amounts appropriated by this Act may be paid at any time on or before the thirtieth day of April, one thousand nine hundred and sixty-four, and such payment shall be deemed to have been made in and be chargeable to the fiscal year ending the thirty-first day of March, one thousand nine hundred and sixty-four.

Account to
be rendered.
R.S., c. 116.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Supplementary Estimates (E), 1963-64. The amount hereby granted is \$23,368,648, being the total of the amounts of certain of the items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty, by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | CIVIL SERVICE COMMISSION | | |
| 1e | Salaries and Contingencies of the Commission..... | | 131,000 |
| | DEFENCE PRODUCTION | | |
| | A—DEPARTMENT | | |
| 15e | Grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors..... | 23,100 | |
| 25e | To sustain technological capability in Canadian industry by supporting selected defence development programs, on terms and conditions approved by Treasury Board..... | 5,500,000 | 5,523,100 |
| | B—CROWN COMPANIES | | |
| 35e | Canadian Arsenals Limited—Administration and Operation.... | | 501,100 |
| | FINANCE | | |
| | GENERAL ADMINISTRATION | | |
| 1e | Departmental Administration..... | 61,900 | |
| | ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS | | |
| 30e | Royal Canadian Mint—Administration, Operation and Maintenance..... | 128,600 | |
| | MUNICIPAL DEVELOPMENT AND LOAN BOARD | | |
| 38e | Administration..... | 68,000 | |
| | SUBSIDIES AND OTHER PAYMENTS TO PROVINCES | | |
| 40e | Payments, computed in accordance with terms and conditions approved by the Governor in Council, to the Government of each Province, in respect of income tax paid by corporations whose main business is the distribution to or generation for distribution to the public of electrical energy, gas or steam: the said payments to be made in respect of such part of the income of the Corporations for the taxation year ending in the calendar year 1961 (as determined under and for the purposes of the Income Tax Act) as is derived from the said distribution or generation in the Province to which payment is made..... | 1,600,000 | |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | FINANCE (Concluded) | | |
| | PAYMENTS TO MUNICIPALITIES | | |
| 45e | Grants to Municipalities in accordance with the Municipal Grants Act and Regulations made thereunder..... | 2,800,000 | |
| | CONTINGENCIES AND MISCELLANEOUS | | |
| 56e | To authorize the Treasury Board to delete from the accounts certain debts due, and claims by, Her Majesty, each of which is in excess of \$1,000, amounting in the aggregate to \$268,434.88 of which \$15,943.01 represents three items that have been carried as assets in the Statement of Assets and Liabilities..... | 15,945 | |
| | GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS | | |
| 67e | To provide that where a person would, except for the fact that he has a period of elective pensionable service to his credit under the Public Service Superannuation Act, be eligible to count the period of elective pensionable service under a pension plan of a public service employer as defined in that Act, the person may elect, in a manner prescribed by the Treasury Board, to receive a return of contributions in respect of the service in lieu of any other benefit payable to or on his behalf in respect of the service..... | 1 | |
| 68e | To authorize the deletion of \$531,182,000 from the Accounts of Canada, of which: (a) \$524,849,000 is shown in the Accounts as the unamortized portion of the actuarial deficiency in the Canadian Forces Superannuation Account, and (b) \$6,333,000 is shown in the accounts as the unamortized portion of the actuarial deficiency in the Royal Canadian Mounted Police Superannuation Account, and the charge of that amount to net debt as an adjustment in respect of prior years' transactions..... | 1 | |
| 70e | To supplement other votes, subject to the approval of the Treasury Board, for the payment of salaries, wages and other payroll charges..... | 11,000,000 | |
| 77e | To provide that, for the purposes of the Public Service Superannuation Act, a person who died during a period ending before February, 1962 in which he was absent from duty without leave, and in respect of whom a Death Benefit would have been payable had he died under similar circumstances on February 1, 1962, shall be deemed to have been a public service participant throughout the said period | 1 | |
| 80e | Government's contribution to the Hospitalization (Outside Canada) Plan..... | 100,000 | 15,774,448 |
| | FISHERIES | | |
| 30e | Conservation and Development Service—Construction or Acquisition of Buildings, Works, Land and Equipment..... | 32,000 | |
| | SPECIAL | | |
| 70e | Assistance, in accordance with terms and conditions approved by the Governor in Council, for the construction of fishing vessels in respect of which capital subsidies authorized by Vote 222 (Canadian Maritime Commission) of these Estimates may not be paid..... | 200,000 | |

SCHEDULE—Concluded

| No. of Vote | Service | Amount | Total |
|-------------------|---|---------|------------|
| | | \$ | \$ |
| | FISHERIES (Concluded) | | |
| | SPECIAL (Concluded) | | |
| 77e | Estimated amount required to recoup the Fishing Vessel Indemnity Account and the Lobster Trap Indemnity Account established under Vote 540 of the Appropriation Act No. 5, 1955 and Vote 527 of the Appropriation Act No. 6, 1956, to cover the net operating losses in the said Accounts as at March 31, 1964..... | 197,000 | 429,000 |
| | FORESTRY | | |
| 12e | Contribution to Nova Scotia, in accordance with such terms and conditions as the Governor in Council may approve, in respect of a program of forest stand improvement which will provide employment in Cape Breton..... | | 91,000 |
| | GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS | | |
| 5e | To authorize reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties up to a maximum per annum for each as detailed in the Estimates—To increase the maximum per annum for each of the Lieutenant-Governors of the Provinces detailed in these Estimates..... | | 6,000 |
| | LABOUR | | |
| | B—UNEMPLOYMENT INSURANCE COMMISSION | | |
| 50e | Administration of the Unemployment Insurance Act—To extend the purposes of Vote 50 of the Main Estimates for 1963-64 to include a grant of \$1,500 to the Canadian Association for Adult Education to assist in defraying the expenses of the National Seminar on Guidance and Counselling held in Canada in November, 1963 and to provide a further amount of..... | 720,000 | |
| 55e | Transfer of Labour to places where employment is available and expenses incidental thereto, in accordance with Regulations of the Governor in Council..... | 18,000 | 738,000 |
| | VETERANS AFFAIRS | | |
| 1e | Departmental Administration..... | 50,000 | |
| | WAR VETERANS ALLOWANCES AND OTHER BENEFITS | | |
| 50e | Assistance in accordance with the provisions of the Assistance Fund (War Veterans Allowances) Regulations..... | 100,000 | |
| 55e | Treatment and Related Allowances..... | 25,000 | 175,000 |
| | | | 23,368,648 |

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1964

13 ELIZABETH II.

CHAP. 4

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1964.

[Assented to 6th April, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1964, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 2, 1964*.

Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one hundred and thirty million, seven hundred and ninety-three thousand, nine hundred and eighty-five dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1963 to the 31st day of March, 1964, not otherwise provided for, and being the total of the amounts of the items set forth in the Schedule to this Act.

\$130,793,985 granted for 1963-64.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and con-

Purpose and effect of each item.

ditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1963.

Commit-
ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Amounts
chargeable
to year
ending 31st
March, 1964.

5. Notwithstanding the provisions of the *Financial Administration Act*, the amounts appropriated by this Act may be paid at any time on or before the thirtieth day of April, one thousand nine hundred and sixty-four, and such payment shall be deemed to have been made in and be chargeable to the fiscal year ending the thirty-first day of March, one thousand nine hundred and sixty-four.

Account to
be rendered.
R.S., c. 116.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Supplementary Estimates (E), 1963-64. The amount hereby granted is \$130,793,985, being the total of the amounts of certain of the items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|---------|-------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | ADMINISTRATION BRANCH | | |
| 1e | Departmental Administration—To extend the purposes of Vote 1 of the Main Estimates for 1963-64 to include the gift detailed in these Estimates and to provide a further amount of | 60,000 | |
| 15e | Economics Division—To increase to \$85,000 the amount of the contribution to the Agricultural Economics Research Council; additional amount required | 62,250 | |
| | RESEARCH BRANCH | | |
| 25e | Institutes, Stations, Farms, Laboratories and Services—Operation and Maintenance—To extend the purposes of Vote 25 of the Main Estimates for 1963-64 to include a grant of \$3,635 to assist in publishing a scientific treatise | 1 | |
| 30e | Institutes, Stations, Farms, Laboratories and Services—Construction or Acquisition of Buildings, Works, Land and Equipment | 220,000 | |
| | PRODUCTION AND MARKETING BRANCH | | |
| 50e | Dairy Products Division—Grants and other assistance in accordance with the Cheese and Cheese Factory Improvement Act | 97,500 | |
| 60e | Fruit and Vegetable Division—Assistance in construction of potato warehouses under terms and conditions approved by the Governor in Council | 117,000 | |
| 76e | Health of Animals Division—Payment of compensation to owners of animals affected with diseases coming under the Animal Contagious Diseases Act, which have died or have been slaughtered in circumstances not covered by the above Act and Regulations made thereunder, all as detailed in the Estimates | 7,946 | |
| 77e | Contributions to the Provinces, in accordance with regulations of the Governor in Council, of amounts not exceeding two-fifths of the amounts paid by the Provinces to owners of animals that have died as a result of rabies since the first day of July, 1960 | 7,000 | |
| 91e | Livestock Division—Special Grant to Royal Agricultural Winter Fair, Toronto | 98,242 | |
| 95e | Livestock Division—Grants to Agricultural Organizations as detailed in the Estimates | 25,000 | |
| 97e | Livestock Division—Special Grant to the Canadian Plowing Council to assist in defraying the costs of the XI World Plowing Contest, 1963 | 5,000 | |
| 120e | Plant Protection Division—To extend the purposes of Vote 120 of the Main Estimates for 1963-64 to include compensation for hydrangeas destroyed pursuant to the Destructive Insect and Pest Act | 14,000 | |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-------------|-------------|
| | | \$ | \$ |
| | AGRICULTURE (Concluded) | | |
| | BOARD OF GRAIN COMMISSIONERS | | |
| 135e | Inspection and Weighing of Grain and Related Services..... | 40,000 | |
| | SPECIAL | | |
| 165e | Agricultural Rehabilitation and Development Act—Administra- tion, Operation and Maintenance..... | 10,000 | |
| 171e | Payment of the balance of contributions to Prince Edward Island and Saskatchewan for expenses incurred in respect of crop insurance in the amounts that would otherwise have been paid to those provinces if the agreements entered into by Canada pursuant to the Crop Insurance Act on the 31st day of May, 1962 with Prince Edward Island and on the 1st day of June, 1962 with Saskatchewan had been entered into on the 18th day of July, 1959..... | 9,342 | |
| 172e | Estimated amount required to recoup the Agricultural Com- modities Stabilization Account to cover the net operating loss of the Agricultural Stabilization Board, including loss resulting from revaluation of inventory, as at March 31, 1964..... | 122,235,000 | |
| 173e | Estimated amount required to recoup the Agricultural Products Board Account to cover the net operating loss recorded in the account as at March 31, 1964..... | 1,018,400 | |
| 174e | Estimated amount required to provide for the operating loss of the Farm Credit Corporation for the fiscal year ending March 31, 1964..... | 1,377,000 | |
| 175e | Estimated amount required to recoup the Prairie Farm Emer- gency Fund to cover the net operating loss for the fiscal year ending March 31, 1964..... | 1,940,000 | 127,343,681 |
| | CITIZENSHIP AND IMMIGRATION | | |
| | IMMIGRATION BRANCH | | |
| 20e | Administration of the Immigration Act..... | 133,800 | |
| 30e | Field and Inspectional Service, Abroad..... | 134,800 | |
| 35e | Trans-Oceanic and Inland Transportation and Other Assistance for Immigrants and Settlers, subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces pursuant to agreements entered into, with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants..... | 230,000 | |
| | INDIAN AFFAIRS BRANCH | | |
| 50e | Indian Agencies—Construction or Acquisition of Buildings, Works, Land and Equipment including expenditures on works on other than federal property..... | 43,000 | |
| 60e | Welfare—Operation and Maintenance including grants and con- tributions as detailed in the Estimates..... | 25,000 | |
| 70e | Economic Development—Operation and Maintenance including the grants and contributions detailed in the Estimates..... | 65,000 | 631,600 |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|---------|-----------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| 1e | Departmental Administration including the expenses of the North Atlantic Treaty Organization Ministerial Meeting in Canada, May, 1963..... | 56,000 | |
| 10e | Representation Abroad—Construction, acquisition or improvement of buildings, works, land, equipment and furnishings..... | 225,000 | |
| 15e | Canada's civilian participation as a member of the International Commissions for Supervision and Control in Indo-China.... | 6,000 | |
| | EXTERNAL AID OFFICE | | |
| 99e | Contribution to the Canadian Red Cross in aid of disaster victims in East Pakistan..... | 10,000 | |
| 101e | Purchase and shipment of trivalent oral polio vaccine to the Government of Barbados as a gift..... | 5,500 | |
| 102e | Contribution to the Canadian Red Cross to assist in the relief of victims of the earthquake in Yugoslavia..... | 10,000 | |
| 103e | Emergency relief in the form of canned hams and powdered skim milk to the Government of Brazil..... | 5,000 | |
| 104e | Contribution to emergency relief in the Caribbean Islands..... | 20,000 | |
| | OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS | | |
| 115e | Assessment for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of February, 1964, which is..... | 977,500 | |
| 117e | Assessment towards financing the United Nations Emergency Force in the amount of \$551,979 U.S., for the period January 1, 1964 to December 31, 1964, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1964, which is..... | 596,200 | |
| 125e | Payment to the International Civil Aviation Organization in part reimbursement of compensation paid to its Canadian employees for Quebec income tax for the 1962 taxation year..... | 6,100 | |
| 146e | To reimburse the Agricultural Products Board for the export value of skim milk powder donated to international relief agencies..... | 490,400 | |
| 147e | Contribution to the Gift Program for the United Nations Building in Santiago, Chile..... | 10,800 | |
| 149e | Assessment towards financing the Laos International Commission..... | 84,100 | |
| | | | 2,502,600 |
| | LABOUR | | |
| | A—DEPARTMENT | | |
| | GENERAL ADMINISTRATION | | |
| 1e | Departmental Administration..... | 14,000 | |
| 5e | Economics and Research Branch..... | 5,500 | |
| 20e | Industrial Relations Activities..... | 10,000 | |
| 22e | Administration of the Maritime Transportation Unions Trustees Act..... | 135,000 | |
| 25e | Civilian Rehabilitation Branch Administration..... | 143,000 | |
| 27e | To extend from January 31, 1964 to March 31, 1964 the termination date in Vote 27d of the Supplementary Estimates (D), 1963-64 of the period during which each full-time worker 45 years of age or over may be engaged by an employer.... | 1 | |

SCHEDULE—*Concluded*

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|-------------|
| | | \$ | \$ |
| | LABOUR (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| | GOVERNMENT EMPLOYEES COMPENSATION | | |
| 45e | Administration of the Government Employees Compensation Act..... | 5,000 | |
| 48e | To deem members of the Board of Trustees of the Maritime Transportation Unions and personnel appointed as provided in section 5 of the Maritime Transportation Unions Trustees Act to be employees in the service of Her Majesty for purposes of the Government Employees Compensation Act... | 1 | |
| 49e | To deem any Assistant Light-keeper who is or was appointed on contract by a Principal Light-keeper to be or to have become, upon such appointment, an employee within the meaning of the Government Employees Compensation Act for the purpose of that Act, and any amount received out of the Consolidated Revenue Fund by or in respect of such employee, because of an accident arising out of or in the course of his employment, to have been received as compensation under that Act..... | 1 | 312,503 |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | EXTERNAL AFFAIRS | | |
| L17e | Additional advance to the Working Capital Fund of the Food and Agriculture Organization of the United Nations, in an amount of \$3,268 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1964, which is..... | 3,600 | |
| | LABOUR | | |
| | B—Unemployment Insurance Commission | | |
| L27e | To authorize the Minister of Finance, notwithstanding the Unemployment Insurance Act, to credit, on such terms and conditions as the Governor in Council may determine, to the Unemployment Insurance Fund such sums as may from time to time be required by the said Fund; the aggregate of the sums outstanding at any one time not to exceed \$55,000,000—To extend the purposes of Vote L27a of the Estimates for 1963-64 to cover requirements in the fiscal year 1964-65..... | 1 | 3,601 |
| | | | 130,793,985 |

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1964

13 ELIZABETH II.

CHAP. 5

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1964.

[Assented to 13th April, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1964, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 4, 1964.* Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one hundred and forty-three million, seven hundred and two thousand, seven hundred and fifteen dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1963 to the 31st day of March, 1964, not otherwise provided for, and being the total of the amounts of the items set forth in the Schedule to this Act.

\$143,702,715
granted for
1963-64.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1963.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Amounts chargeable to year ending 31st March, 1964.

5. Notwithstanding the provisions of the *Financial Administration Act*, the amounts appropriated by this Act may be paid at any time on or before the thirtieth day of April, one thousand nine hundred and sixty-four, and such payment shall be deemed to have been made in and be chargeable to the fiscal year ending the thirty-first day of March, one thousand nine hundred and sixty-four.

Account to be rendered. R.S., c. 116.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Supplementary Estimates (E), 1963-64. The amount hereby granted is \$143,702,715, being the total of the amounts of certain of the items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1964, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | JUSTICE | | |
| | A—DEPARTMENT | | |
| 1e | Departmental Administration including grants and contributions as detailed in the Estimates..... | 10,000 | |
| 10e | Supreme Court of Canada—Administration..... | 5,000 | |
| 15e | Exchequer Court of Canada—Administration..... | 15,000 | |
| 45e | Gratuities to the widows or other dependents of Judges who die while in office..... | 10,000 | |
| | | | 40,000 |
| | LEGISLATION | | |
| | HOUSE OF COMMONS | | |
| 35e | Grant to the Canadian North Atlantic Treaty Organization Parliamentary Association..... | 5,000 | |
| 40e | General Administration—Estimates of the Clerk..... | 362,500 | |
| | | | 367,500 |
| | MINES AND TECHNICAL SURVEYS | | |
| | B—DOMINION COAL BOARD | | |
| 140e | Payments in connection with the movements of coal under conditions prescribed by the Governor in Council..... | | 3,914,600 |
| | NATIONAL DEFENCE | | |
| | ROYAL CANADIAN AIR FORCE | | |
| 35e | Operation and Maintenance..... | 13,653,000 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 86e | To deem for purposes of the Public Service Superannuation Act, such persons as the Treasury Board may prescribe who, upon ceasing to be public service participants, were entitled under the Canadian Forces Superannuation Act or the Defence Services Pension Continuation Act to an annuity, to be or to have been elective public service participants during a period prescribed by the Board..... | 1 | |
| | | | 13,653,001 |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|----------------------|-----------|
| | | \$ | \$ |
| | NATIONAL HEALTH AND WELFARE | | |
| 1e | Departmental Administration..... | 19,000 | |
| | NATIONAL HEALTH BRANCH | | |
| 5e | Health Services, including assistance to the Provinces—Admin- istration..... | 20,000 | |
| 25e | Health Services, including Assistance to the Provinces—To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council..... | 2,000,000 950,000 | |
| 30e | Medical Services—Operation and Maintenance..... | | 2,989,000 |
| | NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL | | |
| 5e | Construction or Acquisition of Buildings, Works, Land and Equipment..... | | 1,125,000 |
| | NATIONAL REVENUE | | |
| | CUSTOMS AND EXCISE DIVISIONS | | |
| 5e | Inspection, Investigation and Audit Services..... | 90,000 | |
| | TAXATION DIVISION | | |
| 20e | General Administration..... | 70,000 | 160,000 |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| 1e | Departmental Administration—To extend the purposes of Vote 1 of the Main Estimates, 1963-64, to authorize payment of a contribution to the Canadian Council of Resource Ministers in an amount equal to one-half the aggregate contribution of the Provinces but not exceeding \$32,000 and to provide a further amount of..... | 53,000 | |
| | WATER RESOURCES BRANCH | | |
| 55e | Water Resources Branch—Administration, Operation and Maintenance..... | 25,000 | |
| | NORTHERN ADMINISTRATION BRANCH | | |
| 95e | Welfare and Industrial Divisions—Construction or Acquisition of Buildings, Works, Land and Equipment..... | 57,000 | |
| 106e | Yukon Territory—Payments in accordance with terms and conditions approved by the Governor in Council during the 1963-64 and 1964-65 fiscal years in respect of expend- itures incurred for the Dawson City Festival..... | 225,000 | |
| 110e | Northwest Territories and Other Field Services—Operation and Maintenance including grants and contributions as detailed in the Estimates..... | 30,000 | 390,000 |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | POST OFFICE | | |
| 5e | Operations..... | 79,800 | |
| 10e | Transportation—Movement of mail by Land, Air and Water, including Administration..... | 1,287,000 | 1,366,800 |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL | | |
| | PRIVY COUNCIL OFFICE | | |
| 5e | General Administration..... | 29,800 | |
| | PRIME MINISTER'S RESIDENCE | | |
| 10e | Maintenance and Operation..... | 2,800 | |
| | SPECIAL | | |
| 39e | Expenses of Commission under Part I of the Inquiries Act to inquire and report upon certain Prairie Farm Assistance administrative matters..... | 12,000 | |
| 41e | Expenses of the Preparatory Committee on Collective Bargain- ing in the Public Service..... | 42,400 | |
| 43e | Expenses of the Royal Commission on Bilingualism and Bi- culturalism..... | 275,850 | |
| 44e | Expenses of the Royal Commission on Government Organiza- tion..... | 11,200 | 374,050 |
| | B—ECONOMIC COUNCIL OF CANADA | | |
| 65e | Administration..... | | 165,000 |
| | PUBLIC PRINTING AND STATIONERY | | |
| 10e | Distribution of Official Documents..... | | 15,000 |
| | PUBLIC WORKS | | |
| | PUBLIC BUILDINGS CONSTRUCTION AND SERVICES | | |
| | Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, but the amount within the vote to be expended on individually listed projects may be increased or decreased, subject to the approval of Treasury Board— | | |
| 5e | Newfoundland..... | 1 | |
| 10e | Nova Scotia..... | 1 | |
| 20e | New Brunswick..... | 1 | |
| 35e | Ontario (other than Ottawa)..... | 1 | |
| 75e | Maintenance and Operation of Public Buildings and Grounds— To extend the purposes of Vote 75 of the Main Estimates for 1963-1964 to include the W. Clifford Clark Memorial Centre in Ottawa..... | 1 | |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-----------|
| | | \$ | \$ |
| | PUBLIC WORKS (Concluded) | | |
| | HARBOURS AND RIVERS ENGINEERING SERVICES | | |
| | Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, including expenditures on works on other than federal property, but the amount within the vote to be expended on individually listed projects may be increased or decreased, subject to the approval of Treasury Board— | | |
| 90e | Newfoundland..... | 1 | |
| 95e | Nova Scotia..... | 1 | |
| 105e | New Brunswick..... | 1 | |
| 110e | Quebec..... | 1 | |
| 115e | Ontario..... | 1 | |
| 132e | Payment to Canadian Vickers Limited of a subsidy in respect of a dry dock in Montreal, Quebec, in accordance with the Dry Dock Subsidies Act (Chapter 91, R.S.), as though it were a drydock of the first class described by section 7(a) of the Act..... | 1 | |
| | DEVELOPMENT ENGINEERING SERVICES | | |
| 169e | Payments in respect of winter maintenance of the Haines Cut-off Road, Northwest Highway System..... | 120,000 | |
| | CENTRAL MORTGAGE AND HOUSING CORPORATION (Responsibility transferred to Minister of National Revenue) | | |
| 206e | To reimburse Central Mortgage and Housing Corporation pursuant to section 35 of the National Housing Act, 1954, for expenditures incurred during the period January 1, 1963 to December 31, 1963 for Housing Research and Community Planning as contemplated by Part V of the National Housing Act, 1954..... | 1,084,353 | |
| 207e | To reimburse Central Mortgage and Housing Corporation, pursuant to section 5(5) and section 24(b) of the Central Mortgage and Housing Corporation Act, for net losses resulting from the sale of mortgages from its portfolio during the calendar years 1962 and 1963..... | 966,265 | |
| 208e | To reimburse Central Mortgage and Housing Corporation for losses sustained by it during the calendar year 1963 as a result of the operation of Federal-Provincial Projects undertaken under section 36 of the National Housing Act, 1954... | 1,390,294 | |
| 209e | To reimburse Central Mortgage and Housing Corporation for amounts loaned under section 36H of the National Housing Act, 1954, to municipalities and municipal sewerage corporations, and for given by the Corporation during the calendar year 1963, pursuant to section 36G of the Act..... | 5,798,706 | |
| | | | 9,359,629 |
| | SECRETARY OF STATE | | |
| | A—DEPARTMENT | | |
| 1e | Departmental Administration..... | 3,000 | |
| 5e | Companies and Corporations Branch..... | 7,100 | |
| 10e | Trade Marks Office..... | 5,000 | |
| 15e | Translation Bureau..... | 31,400 | |
| | | | 46,500 |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|---------|
| | | \$ | \$ |
| | TRADE AND COMMERCE | | |
| | A—DEPARTMENT | | |
| | GENERAL ADMINISTRATION | | |
| 1e | Departmental Administration—To amend the terms of Vote 1 of the Main Estimates for 1963-64 by substituting the expression "International Coffee Organization" for the expression "Coffee Study Group"..... | 1 | |
| 10e | Trade Commissioner Service—Construction or Acquisition of Buildings, Land, Equipment and Furnishings..... | 54,000 | |
| 15e | Exhibitions Branch..... | 30,000 | |
| 17e | Canadian Government Participation in the Universal and International Exhibition, Montreal, 1967—To amend Vote 786 of the Appropriation Act No. 4, 1951 by deleting the words "to be called the Associate Deputy Minister of Trade and Commerce" and substituting the words "Commissioner General for the Canadian Government Participation, 1967 Exhibition", and to amend Vote 692 of the Appropriation Act No. 5, 1958 by deleting the expression "\$16,500" and substituting the expression "\$23,000" therefor and to provide a further amount of..... | 50,000 | |
| 28e | Canadian Government Travel Bureau..... | 90,000 | 224,001 |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| 1e | Departmental Administration..... | 70,000 | |
| | MARINE SERVICES | | |
| 10e | Aids to Navigation—Administration, Operation and Maintenance..... | 130,000 | |
| 35e | St. Lawrence and Saguenay Rivers Ship Channels—Construction or Acquisition of Buildings, Works, Land and Equipment..... | 2,768,000 | |
| 40e | Canadian Coast Guard—Administration, Operation and Maintenance..... | 700,000 | |
| 50e | Marine Regulations including Pilotage and Marine Reporting Services—Administration, Operation and Maintenance..... | 20,000 | |
| 52e | Payments to the Province of Newfoundland arising out of agreements between the Province and the St. John's Harbour and Pilotage Commission prior to the Act of Union..... | 8,500 | |
| | RAILWAY AND STEAMSHIP SERVICES | | |
| 60e | Newfoundland Coastal Services—Construction or Acquisition of Passenger-Cargo Vessels and Equipment and Harbour Facilities..... | 105,000 | |
| 65e | Construction or Acquisition of Auto-Ferry Vessels and Equipment—To extend the purposes of Vote 65 of the Main Estimates for 1963-64 to include the vessels detailed in these Estimates..... | 1 | |
| 72e | Payment to the Government of the Province of Prince Edward Island in accordance with an agreement entered into with that Government by the Minister of Transport, with the approval of the Governor in Council, providing for the demolition and removal by or on behalf of the Province of the bridge over the Hillsborough River referred to in the said Agreement..... | 1,900 | |
| 77e | Bell Island—Portugal Cove, Newfoundland, Ferry Service—Repairs and Improvements to Terminal Facilities owned by Newfoundland..... | 8,000 | |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | TRANSPORT (Continued) | | |
| | A—DEPARTMENT (Concluded) | | |
| | RAILWAY AND STEAMSHIP SERVICES (Concluded) | | |
| 87e | Canadian National Railways Deficit, 1963—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the system deficit (certified by the auditors of the National Company) arising in the calendar year 1963, subject to recovery therefrom of accountable advances made to the National Company from the Consolidated Revenue Fund.. | 43,013,517 | |
| 100e | Maritime Freight Rates Act—Payment to the Railway Companies operating in the select Territory designated by the Act, of the difference occurring on account of the application of the Act, between the tariff tolls and the normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by auditors of the said company respecting the Eastern Lines of the Canadian National Railways and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the calendar year 1963..... | 795,000 | |
| 107e | Payments to the Canadian National Railway Company, in accordance with an agreement entered into with the approval of the Governor in Council, providing for the termination of the collection of tolls on the Victoria Jubilee Bridge, Montreal..... | 390,000 | |
| 108e | Payment to the Canadian National Railway Company of interest on the amount of \$11,752,504.37 being the cost and expenses of construction of the rail diversion on the Victoria Jubilee Bridge, Montreal, including modification of the alternative bridge to carry rail as well as highway traffic, pursuant to Order in Council P.C. 1963-572 of April 11, 1963, as amended by Order in Council P.C. 1963-1140 of July 3, 1963, estimated at..... | 2,816,000 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 125e | Supplemental Pension Allowances to former employees of Newfoundland Railways, Steamships and Telecommunications Services transferred to Canadian National Railways..... | 13,500 | |
| | AIR SERVICES | | |
| | Telecommunications and Electronics Branch | | |
| 193e | Payment of the difference between revenues and expenses arising from the operation and maintenance by the Canadian National Railway Company of the Northwest Communication System from Whitehorse to Mayo and Dawson City in the Yukon Territory via intermediate points: the amount not to exceed \$95,000 per year for five years..... | 69,700 | |
| | GENERAL | | |
| 203e | Reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete. un-serviceable, lost or destroyed..... | 129,900 | |
| | | | 51,042,018 |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|---------|
| | | \$ | \$ |
| | TRANSPORT (Concluded) | | |
| | B—AIR TRANSPORT BOARD | | |
| 205e | Salaries and Other Expenses—To extend the purposes of Vote 205 of the Main Estimates for 1963-64 to include the expenses of the Conference of Aeronautical Authorities held in Ottawa in July, 1963..... | 6,783 | |
| 207e | Subventions for Air Carriers as detailed in the Estimates..... | 2,862 | 9,645 |
| | C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA | | |
| 214e | Further payments in respect of the period from the 30th day of April, 1962, to the 31st day of March, 1963, to Companies as defined in the Freight Rates Reduction Act in the same manner and subject to the same terms and conditions as payments made pursuant to that Act in previous fiscal years..... | | 14,800 |
| | D—CANADIAN MARITIME COMMISSION | | |
| 220e | Steamship Subventions for Coastal Services as detailed in the Estimates..... | | 929,171 |
| | F—ST. LAWRENCE SEAWAY AUTHORITY | | |
| 230e | Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway authority..... | | 540,000 |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | Northern Administration Branch | | |
| L35e | To increase to \$800,000 the amount that may be charged at any one time to the Eskimo Loan Fund, established by Vote 546 of the Appropriation Act No. 3, 1953, as amended; additional amount required..... | 200,000 | |
| | Northern Canada Power Commission | | |
| L40e | Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with subsection (1) of section 15 of the Northern Canada Power Commission Act..... | 1,427,000 | |
| | PUBLIC WORKS | | |
| | Central Mortgage and Housing Corporation (Responsibility transferred to Minister of National Revenue) | | |
| L51e | Advances charged to the special account in the Consolidated Revenue Fund established by subsection (4) of section 36 of the National Housing Act, 1954, in respect of housing and land development projects undertaken jointly with the Governments of Provinces during the calendar year 1963..... | 8,000,000 | |

SCHEDULE—Concluded

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES (Concluded) | | |
| | PUBLIC WORKS (Concluded) | | |
| | Central Mortgage and Housing Corporation (Responsibility transferred to Minister of National Revenue) (Concluded) | | |
| L52e | Advances charged to the special account in the Consolidated Revenue Fund established by subsection 2 of section 36H of the National Housing Act, 1954, in respect of loans to municipalities and municipal sewerage corporations, for construction or expansion of municipal sewage treatment projects during the calendar year 1963..... | 33,500,000 | |
| | TRADE AND COMMERCE | | |
| L61e | To extend the purposes of the account mentioned in Vote 481 of the Appropriation Act No. 5, 1959, to provide for working capital advances to departmental field offices in Canada as well as to posts and employees on posting abroad and to increase to \$700,000 the amount that may be charged at any time to that special account; additional amount required..... | 350,000 | |
| | TRANSPORT | | |
| | Railway and Steamship Services | | |
| L64e | Advances to the Lakehead Harbour Commissioners, on terms and conditions approved by the Governor in Council, to defray the cost of construction of trackage and related work at the Lakehead Harbour..... | 500,000 | |
| | St. Lawrence Seaway Authority | | |
| L75e | Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve..... | 13,000,000 | |
| | | | 56,977,000 |
| | | | 143,702,715 |

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1964

13 ELIZABETH II.

CHAP. 6

An Act respecting the International Bridge over the
St. Clair River known as the Blue Water Bridge.

[Assented to 21st May, 1964.]

WHEREAS it is deemed appropriate that an international bridge providing facilities for the carriage of highway traffic between Canada and the United States be operated on a joint international basis by a public authority having equal representation of members appointed from each of the two countries, and having power to levy tolls to meet the costs of operating and maintaining such a bridge; Preamble.

AND whereas there is at present no competent authority to levy tolls to defray the costs of operating and maintaining the Canadian portion of the international bridge connecting Canada and the United States across the St. Clair River, commonly known as the Blue Water Bridge, and it is deemed advisable that, pending the establishment of a competent joint international authority to operate the Blue Water Bridge, an authority be established at the earliest possible date to operate and maintain the Canadian portion of the said bridge and to levy tolls to defray the costs thereof;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Blue Water Bridge Authority Act*. Short title.

INTERPRETATION.

2. In this Act, Definitions.
(a) "Bridge Authority" means the Blue Water Bridge Authority established by this Act; and "Bridge Authority."

"Blue Water
Bridge."

- (b) "Blue Water Bridge" means the international bridge across the St. Clair River from a point at or near the Village of Point Edward in the Province of Ontario to a point at or near the City of Port Huron in the State of Michigan, commonly known as the Blue Water Bridge.

PART I.

JOINT OPERATION.

Organization.

Blue Water
Bridge
Authority
established.

3. There is hereby established a corporation to be known as the Blue Water Bridge Authority which, in Canada, shall have such powers as are set out in this Act and which, in the United States, shall have such powers as the appropriate authority in the United States allows and be subject to such limitations as the appropriate authority in the United States imposes.

Composition
of Bridge
Authority.

4. (1) Subject to Part II, the Bridge Authority shall consist of eight members,

(a) four of whom shall be Canadian citizens ordinarily resident in Canada, hereinafter referred to as the "Canadian members", who shall be appointed by the Governor in Council or such other authority in Canada as the Governor in Council may designate; and

(b) four of whom, hereinafter referred to as the "United States members", shall be appointed by such authority, in such manner and upon such terms as the appropriate authority in the United States prescribes.

Quorum.

(2) A majority of the members of the Bridge Authority constitutes a quorum for the transaction of its business.

Vacancies.

(3) Subject to subsection (2), vacancies occurring in the membership of the Bridge Authority do not impair the powers of the Bridge Authority, and any such vacancy shall be filled by the appropriate appointing authority under subsection (1).

Officers and
conduct of
business.

(4) The members of the Bridge Authority shall appoint a chairman and vice-chairman from among the members thereof and may establish rules and regulations for the conduct of the meetings and the management of the business of the Bridge Authority.

Affirmative
vote of
United States
and Canadian
member
required.

(5) Notwithstanding subsection (2), the affirmative vote of at least one Canadian member and at least one

United States member shall be required for any action to be taken by the Bridge Authority.

5. (1) Canadian members of the Bridge Authority hold office during the pleasure of the appointing authority. Term of Canadian members.

(2) Canadian members may, with the approval of the appointing authority, appoint deputies in writing to attend any meetings of the Bridge Authority and to act and vote in their stead. Alternate Canadian member.

6. The members of the Bridge Authority shall serve without remuneration but are entitled to be reimbursed out of the revenues of the Authority for travel, living and other necessary expenses incurred by them in the performance of the duties of the Bridge Authority under this Act. No compensation.

Powers and Duties of Authority.

7. (1) The Bridge Authority may acquire and shall hold so much of the Blue Water Bridge and such approaches, structures, easements, privileges or rights connected thereto or held in connection therewith, as are granted or conveyed to the Bridge Authority by, respectively, Duties of the Bridge Authority.

(a) Her Majesty in right of Canada, and

(b) the appropriate authority in the United States; and shall operate, maintain and repair the Blue Water Bridge and the approaches and structures held in connection therewith.

(2) For the purpose of performing its duties under this Act the Bridge Authority may Powers of Bridge Authority.

(a) acquire, hold and dispose of real property for the purposes of the Bridge Authority;

(b) make traffic surveys and engineering, architectural and other studies;

(c) obtain legal, engineering, architectural, accounting, financial and other services;

(d) in order to maintain adequate facilities for the traffic carried over it, extend, add to, enlarge or otherwise alter the Blue Water Bridge; and

(e) generally, do all things necessary, convenient or proper for the purposes of carrying out the duties of the Bridge Authority or functions incidental thereto.

(3) For greater certainty, it is hereby declared that section 30 of the *Interpretation Act* applies to the Bridge Authority. Application of s. 30 of the Interpretation Act.

Presumption
regarding
holding of
United States
portion.

(4) In the event that the portion of the Blue Water Bridge situated in the United States and any approaches or structures used in connection therewith and situated in the United States are entrusted to the Bridge Authority, in such manner as is prescribed by the appropriate authority in the United States, to be operated and maintained by the Bridge Authority in accordance with this Act, the said portion, approaches and structures shall be deemed, for the purposes of this Act, to be held by the Bridge Authority notwithstanding the title or interest therein acquired by the Bridge Authority.

Bridge
Authority
may acquire
staff.

8. (1) The Bridge Authority may employ such officers and employees, and may engage the services of such professional and expert personnel, as it deems necessary for the proper performance of the duties of the Bridge Authority.

Pension
and other
benefits.

(2) The Bridge Authority may provide, or make provision for, pension, welfare, hospital or other benefits for its officers and employees and may contribute toward the costs of any such benefits.

Revenues.

Tolls
authorized.

9. (1) The Bridge Authority may, subject to the *Railway Act*, fix and charge tolls for the use of so much of the Blue Water Bridge as is held by the Bridge Authority, and may prohibit the use thereof without the payment of the toll.

(2) The tolls to be charged shall be fixed from time to time to provide current revenues in an amount sufficient

- (a) to pay the reasonable current costs of the Bridge Authority in carrying out its duties in an economical manner, and to provide and replenish a reserve fund for such purposes and in such amounts as may be estimated by the Bridge Authority to be prudent;
- (b) to provide or replenish (whenever bonds of the Bridge Authority are outstanding and unpaid) a sinking fund to pay the principal of any such bonds and the interest thereon at or before maturity, and to provide a reserve therefor in such amount as the Bridge Authority may deem necessary; and
- (c) to pay any other expenses that the Bridge Authority may properly incur in the performance of its duties under this Act.

(3) The Bridge Authority shall establish uniform classifications for all traffic carried over so much of the Blue Water Bridge as is held by it and the toll charges collected by the Bridge Authority pursuant to this section shall be at a uniform rate with respect to the traffic falling within each classification.

Uniform classification and uniform rates.

(4) The class of goods or commodities carried in or upon any vehicle shall not be taken into account in establishing uniform classifications under subsection (3) for traffic carried over the Blue Water Bridge.

Qualification on classifying power.

10. Notwithstanding section 9, no toll shall be charged by the Bridge Authority for the passage of any person or of any vehicle used by him when the passage is in connection with the discharge of his duties as a member, officer or employee of the Bridge Authority.

No tolls chargeable for official passages.

11. The Bridge Authority may enter into leases or other contractual agreements permitting the use of the Blue Water Bridge to support power or communication transmission equipment, pipelines, or any other similar facilities so long as the use of the Blue Water Bridge for such facilities is not inconsistent with its use for pedestrian and vehicular traffic; and the consideration to the Bridge Authority under any such lease or agreement need not be directly related to the traffic carried by any such facility.

Leasing for other uses.

12. (1) All revenues of the Bridge Authority shall be applied in conformity with this Act.

Application of revenues.

(2) The Bridge Authority may not incur any liability not dischargeable solely from revenues or funds received by the Bridge Authority under this or any other Act of the Parliament of Canada or under any enactment of the appropriate authority in the United States.

Liabilities to charge only revenues.

Issuance of Bonds.

13. (1) Subject to the approval of the Governor in Council or such other authority in Canada as the Governor in Council may designate and such authority in the United States as the appropriate authority in the United States prescribes, the Bridge Authority may issue bonds in Canada or the United States for the purpose of obtaining funds with which to perform any of its functions, including refunding, under this Act.

Bond issues authorized.

(2) If the proceeds from any issue of bonds exceeds the cost, as finally determined, of carrying out the purposes for which any bonds were issued, the excess

Excess proceeds from bond issue.

of proceeds over such cost shall be added to the sinking fund provided for in paragraph (b) of subsection (2) of section 9.

Bond prices
and interest,
and other
requirements.

- (3) A bond issued by the Bridge Authority
- (a) shall be sold at such price as the Bridge Authority may determine, but not less than a price at which the interest-yield basis will equal six and one-half per cent per annum as computed from standard tables of bond values;
- (b) shall bear interest at a coupon rate not exceeding six per cent per annum, payable semi-annually;
- (c) shall be payable solely from funds obtained by the Bridge Authority pursuant to statutory authority conferred by this or any other Act of the Parliament of Canada and by the appropriate authority in the United States;
- (d) shall mature not more than twenty-five years after its date of issue; and
- (e) shall be issued in such form, not inconsistent with this section, as the Bridge Authority may determine.

Types of
bond
provisions
which may
be used.

(4) In the discretion of the Bridge Authority, a bond issued by it

- (a) may be issued with a call provision reserving to the Bridge Authority the right to redeem the bond before maturity at a price or prices not exceeding the sum of the accrued interest plus one hundred and fifty per cent of the par value;
- (b) may be temporary, with or without coupons, and exchangeable for definitive bonds upon the issuance of the latter; or
- (c) may be issued in bearer form, or registrable as to principal, or registrable as to principal and interest.

Currency of
repayment of
bond issue.

(5) A bond issued by the Bridge Authority may be made payable in the currency of Canada or of the United States in the discretion of the Bridge Authority.

Bond anti-
cipation notes.

(6) The Bridge Authority may, in its discretion, issue bond anticipation notes payable from the proceeds of its bonds when issued; and a reference in this Act to bonds of the Bridge Authority includes bond anticipation notes.

Repurchase of
its bonds by
Bridge
Authority.

(7) The Bridge Authority may purchase any bond issued by it at a price not exceeding the sum of the accrued interest plus one hundred and five per cent of the par value of the bond, and may exercise any contractual

rights reserved to itself under authority of paragraph (a) of subsection (4) or otherwise when in the judgment of the Bridge Authority it may be to its financial interest to do so.

14. (1) The Bridge Authority may enter into trust agreements to secure any bonds issued or to be issued by it. Trust agreement for bond issues.

(2) A trust agreement for the purpose referred to in subsection (1) may be made with any bank or trust company in Canada or the United States legally qualified to execute such a trust agreement. Bank or trust company to be trustee.

(3) In specifying the rights and duties of the Bridge Authority, the trustee and the bondholders, a trust agreement may, subject to the rights of the holder of any bonds of the Bridge Authority then outstanding, and subject to section 17, contain such provisions and covenants affecting the security or protection of any bonds issued by the Bridge Authority as may be appropriate, including but not limited to the following: Contents of trust agreement.

- (a) setting forth any function that the Bridge Authority may perform pursuant to this Act and providing that the Bridge Authority will faithfully perform the same;
- (b) limiting the purposes and uses for which the proceeds of sale of any bonds issued by the Bridge Authority may be employed and pledging such proceeds to secure the payment of any bonds issued by the Bridge Authority;
- (c) specifying the conditions that must exist before additional bonds may be issued, limiting the amount thereof, and specifying any terms and conditions that such additional bonds and associated security instruments shall contain;
- (d) providing that such bonds shall be payable from any or all lawful revenues of the Bridge Authority and pledging the revenues of the Bridge Authority for such purpose;
- (e) providing for the appointment of trustees, depositaries, and paying-agents to receive, hold, disburse, invest, and re-invest all or any part of the funds of the Bridge Authority, for the approval by a representative of the bondholders of the security given by any bank or trust company with which funds of the Bridge Authority may be deposited and for any other means of safeguarding funds of the Bridge Authority;
- (f) setting forth procedures, if any, by which the terms of any contract with bondholders may be granted or abrogated, the amount of

the bonds the holders of which must consent thereto and the manner in which such consent may be given; and

- (g) imposing reasonable restrictions upon the right of action of individual bondholders.

Procedure on default in payment on bonds.

15. (1) Any trust agreement that is entered into by the Bridge Authority to secure any bonds or refunding bonds issued by it and that empowers the trustee thereunder to declare the principal amount of any such outstanding bonds or refunding bonds due and payable as a result of any default in payment of principal, interest or both in accordance with the terms thereof, shall provide therein and be subject as follows:

- (a) before declaring the said principal amount due and payable, the trustee shall give notice in writing of such default to the Minister of Finance;
- (b) if Parliament is in session at the time the notice referred to in paragraph (a) is received by the Minister of Finance, the trustee shall not declare the said principal amount due and payable before the prorogation of that session, but if Parliament is not in session at the time such notice is so received or does not continue in session for at least four weeks thereafter, he shall not declare the said principal amount due and payable before the prorogation of the next ensuing session of Parliament; and
- (c) if at the session of Parliament referred to in paragraph (b) Parliament takes any action as the result of which past due principal and interest with interest on past due interest, together with fees, counsel fees and expenses of the trustee and of the receiver, if any, are paid to the trustee not later than sixty days after such prorogation, the default shall thereby be remedied.

Obligations of Bridge Authority.

16. The bonds or other obligations of the Bridge Authority are not obligations of Her Majesty, nor is Her Majesty liable on such obligations.

Bridge not subject to charge.

17. No charge against any portion of the Blue Water Bridge in Canada or against any underlying land therein may be created or enforced, either by agreement or by judicial process, to secure or enforce the payment of any obligation of the Bridge Authority.

18. The Bridge Authority may not issue bonds or any other securities of any description except in accordance with this Act. Bond issues to conform with Act.

Accounting.

19. (1) The Bridge Authority shall keep complete and accurate records of the cost to it of performing its functions, and complete and accurate records of all its cash receipts and disbursements, and shall make its records available to such authorities or the representatives thereof as the Governor in Council or any authority designated by the Governor in Council may by regulation prescribe, and to such authorities or the representatives thereof as the appropriate authority in the United States prescribes. Records of Bridge Authority.

(2) The Bridge Authority shall,

- (a) at such periods, not less frequently than annually, file an itemized, detailed and verified report of all receipts and disbursements of the Bridge Authority with such persons, and
- (b) permit such auditing of its accounts by such persons,

as the Governor in Council or any authority designated by the Governor in Council may prescribe and as the appropriate authority in the United States prescribes.

Miscellaneous.

20. Not later than ninety days after the commencement of this Act, and at all times thereafter, the Bridge Authority shall have an agent resident in the Province of Ontario who is authorized to receive service of process in any proceedings against the Bridge Authority in any court of competent jurisdiction in Canada. Resident agent in Ontario.

21. Nothing in this Act in any way affects any right, privilege, obligation or liability in respect of provincial or municipal assessment or taxation. Assessment and taxation.

22. The Bridge Authority is not an agent of Her Majesty and no member, officer or employee of the Bridge Authority shall be deemed, as such, to be an officer, agent or employee of Her Majesty. Relationship of Bridge Authority to Crown.

23. The Bridge Authority shall provide and maintain at its expense such suitable office, warehouse and other accommodation, with adequate light and heat,

- (a) as the Governor in Council or any Minister designated by the Governor in Council may

from time to time require for Canadian customs and immigration purposes; and

- (b) as the appropriate authority in the United States or any authority designated by the appropriate authority in the United States may from time to time require for United States customs and immigration purposes.

PART II.

CANADIAN OPERATION.

Reciprocal
United States
legislation.

24. When the Governor in Council is satisfied that the appropriate authority in the United States has indicated its consent to the joint operation of the Blue Water Bridge, by enacting reciprocal legislation authorizing the Bridge Authority to operate and maintain the portion of the Blue Water Bridge situated in the United States, the Governor in Council may by proclamation empower the Bridge Authority to exercise its powers and carry out its functions in the United States in accordance with this Act and the enactment of the appropriate authority in the United States.

Restriction
on powers
of Bridge
Authority.

25. (1) Subject to subsection (2), until such time as a proclamation is issued under section 24,

- (a) the Bridge Authority may not exercise any of its powers in the United States or in respect of any portion of the Blue Water Bridge situated in the United States; and,

- (b) the Bridge Authority shall consist of the Canadian members only and all the provisions of this Act relating to the members of the Bridge Authority and to the composition or constitution of that body shall be read and construed as if no provision were made for United States members or United States participation.

Joint or co-
operative
arrangements.

(2) The Bridge Authority may enter into contractual or other arrangements with any authority in the United States responsible for the maintenance or repair of any portion of the Blue Water Bridge situated in the United States

- (a) for joint or co-operative maintenance and repair of the Blue Water Bridge;
- (b) for widening, extending, adding to or enlarging or otherwise altering the Blue Water Bridge;
- or

- (c) to act as an agent of any such authority in the maintenance or repair of the portion of the Blue Water Bridge situated in the United States.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 7

An Act to amend the Customs Tariff.

[Assented to 21st May, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., cc. 60, 316;
1952-53, c. 31;
1953-54, c. 53;
1955, c. 51;
1956, c. 36;
1957, c. 21;
1958, c. 27;
1959, c. 12;
1960, c. 27;
1960-61, c. 45;
1963, cc. 7, 35.

1. Schedule A to the *Customs Tariff* is amended by striking out tariff items

Schedule A amended.

- (a) 219a, 326m, 326n, 399a, 410c, 410d, 410e, 683, 848,
- (b) 9i, 156, 196, 237a, 356b, 440m, 440n, 440r, 521, 611a(4), 681c, 696a,

and the enumerations of goods and the rates of duty set opposite each of those items, and by inserting therein the items, enumerations of goods and rates of duty specified in Schedule A to this Act.

2. Schedule B to the said Act is amended by striking out item 1047 and the enumeration of goods and the rate of drawback of customs duty set opposite that item, and by inserting therein the item, enumeration of goods and rate of drawback of customs duty specified in Schedule B to this Act.

Schedule B amended.

3. This Act and the Schedules to this Act shall be deemed to have come into force on the 17th day of March, 1964, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day.

Commencement.

SCHEDULE A.

PART I

| Tariff Item | | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|---|-----------------------------|-----------------------------|--------------------|
| 46a | <i>Bread made with the use of yeast as the leavening substance</i> | Free | Free | 20 p.c. |
| 219a | Non-alcoholic chemicals for disinfecting, or for preventing, destroying, repelling or mitigating fungi, weeds, insects, rodents, or other plant or animal pests, n.o.p.; non-alcoholic preparations compounded exclusively for disinfecting or for preventing, destroying, repelling or mitigating fungi, weeds, insects, rodents, or other plant or animal pests, n.o.p.: (1) When in packages not exceeding three pounds each, gross weight..... (2) Otherwise..... | Free Free | 12½ p.c. Free | 25 p.c. 15 p.c. |
| 225d | <i>Montan wax</i> | Free | Free | 10 p.c. |
| 227b | <i>Undecorated tableware of china, porcelain, semi-porcelain or white granite, including the foregoing with the surface uniformly coloured in only one hue, when for use in the manufacture of decorated tableware by kiln-fired decoration</i> | Free | 10 p.c. | 35 p.c. |
| 326m | Articles of glass, not to include plate, sheet, machine-made tumblers nor containers for the bottling or packaging of products, when for use in the manufacture of cut or decorated glassware, under such regulations as the Minister may prescribe | Free | Free | 32½ p.c. |
| 399a | Pipes or tubes of iron or steel, commonly known as "oil-country goods", being casing or tubing and fittings, couplings, thread protectors and nipples therefor; seismograph drilling bits, in sizes three and one-half inches to four and three-quarter inches inclusive; all of the foregoing for use in connection with natural gas or oil wells.. | 5 p.c. | 10 p.c. | 20 p.c. |
| 410d | Well-drilling machinery and apparatus, and parts thereof, for use in drilling for water or in prospecting for minerals, not including motive power..... | Free | Free | Free |
| 491 | <i>Machinery and apparatus for use in exploratory or discovery work in connection with oil or natural gas wells or for the development, maintenance, testing, depletion or production of such wells up to and including the wellhead assembly or surface oil pumping unit; well-drilling machinery and apparatus for use in the exploration, discovery, development or operation of potash or rock salt deposits; these provisions shall not include automotive vehicles or chassis on which the machinery and apparatus are mounted:</i> (1) <i>Belting and hose, wholly or partly of rubber, and fittings and accessories therefor whether attached or not;</i> <i>Casing centralizers, wall scratchers and scrapers, stop rings and cement baskets;</i> <i>Moulded or extruded rubber products, namely cementing plugs, protectors, wipers, swab rubbers, and rubber rollers for wireline guides and turnback units;</i> <i>Screens for shale shakers;</i> | | | |

SCHEDULE A—Continued

PART I

| Tariff Item | | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|---|-----------------------------|-----------------------------|----------------|
| 491 conc. | <p>Sucker rods, pony rods, polished rods, and couplings therefor; Swaged nipples and bull plugs not exceeding 4 inches in outside diameter; Wellhead valves, not under 2 inch or over 3 inch nominal size, rated for service in working pressures up to and including 2,000 pounds per square inch W.O.G. (water, oil, gas), excluding check valves, pressure regulators, automatic safety valves and needle valves; Wire rope; Parts of all the foregoing.....</p> <p>(2) Blow-out preventers; Crown blocks and travelling blocks; Elevators and elevator links; Fishing tools; Flanged casing heads; Masts or derricks for drilling, servicing or work-over rigs; Rotary tables; Screwed casing heads for surface casings exceeding 10½ inches in outside diameter, or rated for service in working pressures exceeding 2,000 pounds per square inch W.O.G. (water, oil, gas); Swivels; Well logging equipment; Well perforating equipment; Wellhead valves over 3 inch nominal size, or rated for service in working pressures exceeding 2,000 pounds per square inch W.O.G. (water, oil, gas); Well-packers; Parts of all the foregoing.....</p> <p>(3) Drilling, servicing or work-over rigs, assembled or not; Draw works; Slush pumps; Motive power and drive groups for operating slush pumps, draw works or rotary table.....</p> <p>(4) All other machinery and apparatus, and parts thereof; parts of goods enumerated in (3) of this item: (a) Of a class or kind made in Canada..... (b) Of a class or kind not made in Canada....</p> | 5 p.c. | 10 p.c. | 20 p.c. |
| | | Free | Free | Free |
| | | Free | Free | Free |
| | | 5 p.c. | 10 p.c. | 20 p.c. |
| | | Free | Free | Free |
| 492 | <p>Bolted steel tanks; Chemical injection pumps; Chokes, beans and flow controllers; Separators and treaters, oil, gas or water; All the foregoing for use in connection with oil or natural gas wells for installation between the wellhead assembly or surface oil pumping unit and the field marketing valve:</p> <p>(1) Of a class or kind made in Canada; parts thereof.....</p> <p>(2) Of a class or kind not made in Canada; parts thereof.....</p> | 5 p.c. | 10 p.c. | 20 p.c. |
| | | Free | Free | Free |

SCHEDULE A—Continued

PART I

| Tariff Item | — | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|--|-----------------------------|-----------------------------|----------------|
| 492a | Drilling mud and additives therefor for use in drilling for oil, natural gas, potash or rock salt..... | Free | Free | Free |
| 492b | Machinery and apparatus for use in the distillation or recovery of products from natural gas: (1) Of a class or kind made in Canada; parts thereof..... | 5 p.c. | 15 p.c. | 25 p.c. |
| | (2) Of a class or kind not made in Canada; parts thereof..... | Free | Free | Free |
| 492c | Machinery and apparatus for use in producing unrefined oil from shales or for operating oil-sands by mining operations or for extracting oil from the sands so mined: (1) Of a class or kind made in Canada; parts thereof..... | 5 p.c. | 10 p.c. | 20 p.c. |
| | (2) Of a class or kind not made in Canada; parts thereof..... | Free | Free | Free |
| 492d | Materials for use in the manufacture of the goods specified in tariff items 491, 492, 492a, 492b and 492c..... | Free | Free | Free |
| 683 | Barytes..... | Free | 20 p.c. | 25 p.c. |
| 848 | Drilling bits, n.o.p., and parts thereof, for use in exploratory or discovery work in connection with, and development, depletion and production of petroleum or natural gas wells..... | Free | Free | Free |

PART II

| Tariff Item | — | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|---|-----------------------------|-----------------------------|--------------------|
| 9i | Feeds for use exclusively in the feeding of trout... On and after July 1, 1966 | Free 15 p.c. | Free 20 p.c. | 25 p.c. 25 p.c. |
| 156 | (1) Whiskey.....per gallon of the strength of proof..... and in addition thereto, under all tariffs, \$9.00 per gallon of the strength of proof | \$4.50 | \$5.00 | \$10.00 |
| | (2) Gin, n.o.p.....per gallon of the strength of proof..... and in addition thereto, under all tariffs, \$9.00 per gallon of the strength of proof | \$4.50 | \$5.00 | \$10.00 |
| | (3) Rum, n.o.p.....per gallon of the strength of proof..... and in addition thereto, under all tariffs, \$9.00 per gallon of the strength of proof | \$4.50 | \$6.00 | \$10.00 |

SCHEDULE A—Continued

PART II

| Tariff Item | — | British Preferential Tariff | Most- Favoured- Nation Tariff | General Tariff |
|----------------|--|-----------------------------------|--|----------------------------------|
| 156 conc. | (4) Brandy.....per gallon of the strength of proof..... and in addition thereto, under all tariffs, \$9.00 per gallon of the strength of proof | \$4.00 | \$4.00 | \$10.00 |
| | (5) Liqueurs.....per gallon of the strength of proof..... and in addition thereto, under all tariffs, \$9.00 per gallon of the strength of proof | \$4.50 | \$4.50 | \$10.00 |
| | (6) Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p.; spirituous or alco- holic liquors, n.o.p.; absinthe, arrack or palm spirit, artificial brandy and imitations of brandy, n.o.p.; cordials of all kinds, n.o.p., mescal, pulque, rum shrub, schiedam and other schnapps; tafia, and alcoholic bitters or beverages, n.o.p.; and wines, n.o.p., containing more than forty per cent of proof spirit.....per gallon of the strength of proof..... and in addition thereto, under all tariffs, \$9.00 per gallon of the strength of proof | \$5.00 | \$10.00 | \$10.00 |
| | When the goods specified in item 156 are of greater or less strength than the strength of proof, the measurement thereof and the amount of duty payable thereon shall be increased or decreased in proportion for any greater or less strength than the strength of proof. | | | |
| 196 | Newsprint paper..... | Free | Free | 25 p.c. |
| 237a | Deuterium oxide or heavy water; uranium in the form of pigs, ingots, billets or bars..... On and after July 1, 1966 | Free Free | Free 15 p.c. | 25 p.c. 25 p.c. |
| 356b | Nickel chromium, in bars or rods not more than three-fourths of an inch in diameter containing more than fifty per cent nickel and more than ten per cent chromium, of a class or kind not made in Canada, for use in the manufacture of electric resistance wire and electric resistance strip or ribbon..... | Free | Free | Free |
| 440m | Aircraft, not including engines, under such regula- tions as the Minister may prescribe: (1) When of types or sizes not made in Canada.. On and after July 1, 1965 (2) When of types and sizes made in Canada.. | Free Free Free | Free 15 p.c. 15 p.c. | 27½ p.c. 27½ p.c. 27½ p.c. |
| 440n | Aircraft engines, when imported for use in the equipment of aircraft: (1) When of types or sizes not made in Canada.. On and after July 1, 1965 (2) When of types and sizes made in Canada.. | Free Free Free | Free 15 p.c. 15 p.c. | 27½ p.c. 27½ p.c. 27½ p.c. |
| 440r | Auxiliary power units; Bars, tubes, extrusions of aluminum, aluminum alloys and magnesium alloys; Batteries; | | | |

SCHEDULE A—Continued

PART II

| Tariff Item | | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|---|--|--|---|
| 440r conc. | <p>Bolts, cocks, cotter pins, eyelets, nuts, pins, rivets, screws, turnbuckles and clevis, washers; Brakes, with related operating gear; Carburettors; Direct or inertia starters with or without related operating gear; Distributors; De-icing and anti-icing equipment; Electric generators; Electric lamps; Exhaust gas analyzers; <i>Fittings and couplings</i>; Fuel pressure warning devices; Forgings and castings; Hinges; Hydraulic jacks; Hydraulic pumps; Ignition coils; Instruments; Landing and navigation lights; Magnetos; Oil coolers; Pressure fire extinguishers; Primer pumps; Propellers and helicopter rotors; Radio for navigation and air traffic communication; Seats; Spark plugs; Steel tubing; Swaged wires and tie rods; Tires and tire inner tubes; Vacuum pumps with related operating gear; Voltage control boxes; Wheels; Parts of all the foregoing;</p> <p>All of the foregoing when of types or sizes not made in Canada and for use in aircraft, aircraft engines, airborne aircraft equipment, or parts of aircraft, aircraft engines, or airborne aircraft equipment.....</p> | Free | Free | 27½ p.c. |
| 521 | <p>Yarns and rovings, including threads, cords and twines, wholly of cotton:</p> <p>(1) Singles, n.o.p.....</p> <p>(2) <i>For use in the manufacture of cotton sewing thread or Schiffli embroidery thread:</i> (a) Singles..... (b) Plied.....</p> <p>(3) <i>For use in the manufacture of crochet, knitting, darning or embroidery cottons to be packaged for sale at retail for household use:</i> (a) Singles..... (b) Plied.....</p> <p>(4) Of count seventy or finer, when imported by manufacturers for use in the manufacture of levers' lace.....</p> <p>(5) Other, n.o.p.....</p> <p>(6) Mercerized yarns of count seventy-five and finer.....</p> | <p>12½ p.c.</p> <p>Free 5 p.c.</p> <p>Free 5 p.c.</p> <p>Free 5 p.c.</p> <p>Free 15 p.c.</p> <p>Free</p> | <p>17½ p.c.</p> <p>10 p.c. 10 p.c.</p> <p>10 p.c. 10 p.c.</p> <p>10 p.c. 10 p.c.</p> <p>Free 20 p.c.</p> <p>17½ p.c.</p> | <p>22½ p.c.</p> <p>15 p.c. 20 p.c.</p> <p>15 p.c. 20 p.c.</p> <p>25 p.c. 30 p.c.</p> <p>30 p.c.</p> |

SCHEDULE A—*Concluded*

PART II

| Tariff Item | — | British Preferential Tariff | Most- Favoured- Nation Tariff | General Tariff |
|----------------|--|-----------------------------------|--|-------------------|
| 681c | Cobalt-bearing scrap for recovery of the cobalt and attendant by-products..... | Free | Free | Free |
| 691a | Communion wafers or unleavened bread for sacramental purposes..... | Free | Free | Free |
| 696a | Moving picture films, sound or silent, separate sound film track, slides and slide films, positive or negative, and sound recordings for use therewith; Sound recordings for use by educational, scientific or cultural institutions or societies; Sound recordings other than for sale or rental; Models, static and moving; Video tape recordings; Wall charts, maps and posters; All the foregoing when certified by the Government or by a recognized representative authority of the Government of the country of production or by an appropriate representative of the United Nations Educational, Scientific and Cultural Organization as being of an international educational, scientific or cultural character; Under such regulations as the Minister may prescribe..... | Free | Free | Free |

SCHEDULE B.

| Item No. | Goods | When Subject to Drawback | Portion of Duty (not including Special Duty or Dumping Duty) Payable as Drawback |
|----------|--|--|--|
| 1007 | Machine-made tumblers of glass, not cut nor decorated. | When used in the manufacture of cut or decorated tumblers; provided that no drawback shall be paid under this item unless at least twenty-five per cent of the cost of producing the finished article has been incurred in Canada..... | 60 p.c. |

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 8

An Act to amend the Estate Tax Act.

[Assented to 21st May, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1958, c. 29;
1960, c. 29;
1962-63, c. 5.

1. (1) Paragraph (e) of subsection (1) of section 3 of the *Estate Tax Act* is repealed and the following substituted therefor:

“(e) property comprised in a settlement whenever made, whether by deed or any other instrument not taking effect as a will, whereby any interest in or income from such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the deceased as settlor or whereby the deceased has reserved to himself the right, by the exercise of any power, to restore to himself or to reclaim the absolute interest in such property;”

(2) Subsection (1) of section 3 of the said Act is further amended by adding thereto, immediately after paragraph (m) thereof, the following paragraph:

“(ma) any amount payable under a policy of insurance (other than a policy of insurance owned as described in paragraph (m)) effected on the life of the deceased that was effected on the condition, expressed or otherwise, of the purchase from the insurer of an annuity, to the extent that such amount does not exceed the amount paid for the annuity minus the

aggregate of all annuity payments made thereunder by the insurer prior to the death of the deceased;”

(3) Paragraph (p) of subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

“(p) any property that is the subject matter of a transfer, settlement or agreement made at any time in consideration of marriage, where any interest in or income from such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the deceased; and”

1962-63, c. 5,
s. 1(1).

(4) Subsection (4b) of section 3 of the said Act is repealed and the following substituted therefor:

Insurance
proceeds as
death
benefit.

“(4b) For the purposes of paragraph (k) of subsection (1), any amount payable in respect of the death of a person under a policy of insurance (other than a policy of insurance owned as described in paragraph (m) of subsection (1)) under which any life insurance was effected on the life of that person in respect of, in the course of or by virtue of his office or employment or former office or employment as an employee of any employer, except any part of that amount that was payable under the policy to

(a) that or a subsequent employer of that person, or

(b) an individual or corporation other than

(i) an individual connected with that person by blood relationship, marriage or adoption, or

(ii) a corporation that was controlled, whether directly or indirectly and whether through holding a majority of the shares of the corporation or of any other corporation or in any other manner whatever, by that person, by one or more individuals described in subparagraph (i), by that person and such one or more individuals or by any other person on his or their behalf,

and except where the policy was assigned to that person and was not at any time thereafter assigned to any employer described in paragraph (a). or to any person in trust or otherwise for the purposes of a fund or plan established for the payment of superannuation, pension or death benefits to recipients, shall be deemed

to be a death benefit payable in respect of the death of that person out of or under a fund or plan established for the payment of death benefits to recipients."

(5) Subsection (6) of section 3 of the said Act is amended by striking out the word "and" at the end of paragraph (a) thereof, by adding the word "and" at the end of paragraph (b) and by adding thereto the following paragraph:

"(c) a disposition made by a person taking effect out of any community of property that existed between that person and his spouse at the time of the making of such disposition and not taking effect as a will shall be deemed to have been made by each of them according to the respective share of each in that community, and in relation to any such disposition any act or thing done or effected by one of them shall, in so far as such act or thing had effect in relation to the share of the other in that community, be deemed to have been done or effected by the one as the agent of the other."

(6) Subsections (1), (3) and (4) are applicable in the case of the death of a person whose death occurred after the coming into force of this Act, subsection (2) is applicable in respect of any policy of insurance effected after March 16, 1964, and subsection (5) is applicable in respect of any disposition made by a person whose death or the death of whose spouse occurred after March 16, 1964.

2. (1) All that portion of subsection (1a) of section 7 of the said Act following paragraph (b) thereof is repealed and the following substituted therefor: 1962-63, c. 5,
s. 2(2).

"to the extent that the power described in paragraph (a) was exercised not later than two years after the death of the deceased in favour of a donee described in paragraph (d) of subsection (1), the gift so made by the deceased shall not, by reason only of having been made as described in paragraph (a), be considered not to have been absolute and indefeasible and shall be deemed to have been made by the deceased to that donee, and to the extent of any estate or interest of a donee described in paragraph (d) of subsection (1) in the property comprised therein that became absolute and indefeasible by virtue of the renunciation of the power described in paragraph (b) or the death of the person described in that paragraph not later than two

years after the death of the deceased, the gift so made by the deceased shall be deemed to have been absolute and indefeasible."

(2) This section is applicable in respect of any gift made by a person whose death occurred after March 16, 1964.

3. (1) Subsection (1) of section 9 of the said Act is amended by striking out the word "and" at the end of paragraph (a) thereof, by repealing paragraph (b) thereof and by substituting therefor the following paragraphs:

"(b) in the case of a person who was domiciled in a designated province at the time of his death,

(i) the part of the tax otherwise payable that is applicable to

(A) such of the property passing on the death of that person as was situated in that or any other designated province, and

(B) such of the property (other than real property) passing on the death of that person as was situated outside Canada, the successor to which property was, at the time of the death of that person, domiciled in or resident in that designated province,

multiplied by

(ii) one-quarter;

(c) in the case of a person who was not domiciled in a prescribed province at the time of his death,

(i) the part of the tax otherwise payable that is applicable to such of the property passing on the death of that person as was situated in a prescribed province,

multiplied by

(ii) one-half; and

(d) in the case of a person who was not domiciled in a designated province at the time of his death,

(i) the part of the tax otherwise payable that is applicable to such of the property passing on the death of that person as was situated in a designated province,

multiplied by

(ii) one-quarter."

(2) Subsection (6) of section 9 of the said Act is amended by striking out the word "and" at the end of

paragraph (a) thereof, by adding the word "and" at the end of paragraph (b) thereof and by adding thereto the following paragraph:

"(c) "designated" means designated as prescribed by a regulation made on the recommendation of the Minister of Finance for the purposes of this section." "Des-ignated."

(3) Subparagraph (ii) of paragraph (d) of subsection (8) of section 9 of the said Act is amended by striking out the word "or" at the end of clause (B) thereof, by repealing clause (C) thereof and by substituting therefor the following: 1962-63, c. 5, s. 3(1).

"(C) if no register of transfers or place of transfer is maintained by the corporation for the transfer thereof in any province that is not a prescribed province or in any place outside Canada, then in the nearest province, relative to the province where the deceased was domiciled at the time of his death, that is a prescribed province but is not a designated province and in which any such register of transfers or place of transfer is so maintained, or

(D) if no register of transfers or place of transfer is maintained by the corporation for the transfer thereof in any province that is not a prescribed province, in any place outside Canada, or in any province that is a prescribed province but is not a designated province, then in the nearest province, relative to the province where the deceased was domiciled at the time of his death, that is a designated province and in which any such register of transfers or place of transfer is so maintained;"

(4) Subsections (1) and (3) are applicable in the case of the death of a person whose death occurred after March, 1964.

4. (1) Section 20 of the said Act is amended by adding thereto the following subsections:

Statements
or omissions
in returns.

“(4) Every person who, knowingly, or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, statement or answer filed or made as required by or under this Act or a regulation, as a result of which the tax that would have been payable if the tax had been assessed on the basis of the information provided in the return, statement or answer is less than the tax payable, is liable to a penalty of 25% of the amount by which the tax that would so have been payable is less than the tax payable.

Saving
provision.

(5) Where a person is liable to a penalty under subsection (4) in respect of any statement or omission in a return, statement or answer filed or made as required by or under this Act or a regulation, he is not liable to any penalty under subsection (3) in respect of the same statement or omission.”

(2) This section is applicable in respect of any statement or omission in a return, statement or answer filed or made after the coming into force of this section.

5. Subsection (1) of section 37 of the said Act is repealed and the following substituted therefor:

Deduction
from tax:
provincial
duties.

“**37.** (1) There may be deducted from the tax otherwise payable under this Part upon the aggregate value of the property taxable on the death of any person, the aggregate of

(a) an amount equal to

(i) the part of the tax otherwise so payable that is applicable to any of the property taxable on the death of that person, on or in respect of which property any provincial duty has been paid in respect of the death of that person,

multiplied by

(ii) one-half; and

(b) an amount equal to

(i) the part of the tax otherwise so payable that is applicable to any of the property taxable on the death of that person, on or in respect of which property any provincial duty has been paid in respect of the death of that person to any province that, effective at the time of his death was a

designated province within the meaning
of section 9,
multiplied by
(ii) one-quarter."

6. (1) All that portion of subsection (3) of section 47 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"(3) Notwithstanding subsection (1), any property passing on the death of a deceased, not exceeding \$2,500 in value or amount in the case of any one transferor, deliverer or payer, may be transferred, delivered or paid over to any person resident in Canada without the consent of the Minister if notice of such transfer, delivery or payment over is forthwith given to the Minister and the property comes within any of the following classes:" Saving provision.

(2) Subsection (3) of section 47 of the said Act is further amended by adding thereto, immediately after paragraph (a) thereof, the following paragraph:

"(ab) money payable by an insurer under any policy of sickness or accident insurance;"

(3) This section is applicable in the case of the death of a person whose death occurred after the coming into force of this Act.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 9

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1965.

[Assented to 28th May, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1965, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 5, 1964*.

Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole three hundred and thirty-eight million, one hundred and thirty-six thousand, seven hundred and seventeen dollars and fifty-nine cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1964 to the 31st day of March, 1965, not otherwise provided for, and being the aggregate of

\$338,136,717.59
granted for
1964-65.

- (a) one-twelfth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1965, as laid before the House of Commons at the present session of Parliament.....
.....\$329,299,209.25;

- (b) four-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A
.....\$480,333.34;
- (c) three twelfths of the amount of the item in the said Main Estimates set forth in Schedule B
.....\$1,500,000.00;
- (d) two-twelfths of the amount of the item in the said Main Estimates set forth in Schedule C
.....\$1,597,000.00;
- (e) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule D.....\$5,260,175.00.

Purpose and effect of each item.

3.

The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

4.

Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered. R.S., c. 116.

5.

Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$480,333.34, being four-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|--------|------------|
| | | \$ | \$ |
| | FORESTRY | | |
| | FOREST ENTOMOLOGY AND PATHOLOGY | | |
| 25 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | | *1,441,000 |

*Net total \$480,333.34.

SCHEDULE B.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$1,500,000.00, being three-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|--------|------------|
| | | \$ | \$ |
| | FINANCE | | |
| | GOVERNMENT ADMINISTRATION | | |
| 15 | Contingencies—Subject to the approval of the Treasury Board, (a) to supplement the payroll provisions of other votes; (b) for miscellaneous minor or unforeseen expenses; and (c) for awards under the Public Servants Inventions Act; including authority to re-use any sums repaid to this appro- priation from other appropriations..... | | *6,000,000 |

*Net total \$1,500,000.00.

SCHEDULE C.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$1,597,000.00, being two-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|------------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS A—DEPARTMENT | | |
| 15 | Contributions to International Multilateral Economic and Special Aid Programs as detailed in the Estimates, including authority to pay such amounts as are specified in U.S. dollars notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1963, which is..... | | *9,582,000 |

*Net total \$1,597,000.00.

SCHEDULE D.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$5,260,175.00, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------|
| | | \$ | \$ |
| | FINANCE | | |
| | GOVERNMENT ADMINISTRATION | | |
| 10 | Grants to Municipalities in accordance with the Municipal Grants Act and Regulations made thereunder..... | 29,700,000 | |
| | FORESTRY | | |
| | FOREST RESEARCH | | |
| 10 | Operation and Maintenance..... | 2,246,000 | |
| | FOREST ENTOMOLOGY AND PATHOLOGY | | |
| 20 | Operation and Maintenance..... | 3,829,000 | |
| | FOREST PRODUCTS RESEARCH | | |
| 30 | Operation and Maintenance..... | 1,224,200 | |
| | JUSTICE | | |
| | LEGAL AND OTHER SERVICES | | |
| 1 | Administration including the Office of the Superintendent of Bankruptcy, grants and contributions as detailed in the Estimates, gratuities to the widows or other dependents of Judges who die while in office and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory..... | 2,109,600 | |
| | MINES AND TECHNICAL SURVEYS | | |
| | B—DOMINION COAL BOARD | | |
| 70 | Payments in connection with the movements of coal under conditions prescribed by the Governor in Council, and subventions in respect of eastern coal under agreements entered into pursuant to the Atlantic Provinces Power Development Act..... | 15,815,000 | |
| | NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL | | |
| 5 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 5,722,300 | |

SCHEDULE D—*Concluded*

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-------------|
| | | \$ | \$ |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL OFFICE | | |
| 15 | Expenses of the Royal Commissions listed in the Details of the Estimates and the expenses of the Preparatory Committee on Collective Bargaining in the Public Service..... | 2,476,000 | *63,122,100 |

*Net total \$5,260,175.00.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1964

13 ELIZABETH II.

CHAP. 10

An Act to amend the Bank Act and the Quebec Savings Banks Act.

[Assented to 18th June, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 6 of the *Bank Act* is repealed and the following substituted therefor: 1953-54, c. 48.

“**6.** Subject to this Act,

- (a) if Parliament sits on at least twenty days during the month of June, 1965, the bank may carry on the business of banking until the 1st day of July, 1965, and no longer, and
 - (b) if Parliament does not sit on at least twenty days during the month of June, 1965, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer.”
- Duration of authority to carry on business.

2. Section 6 of the *Quebec Savings Banks Act* is repealed and the following substituted therefor: 1953-54, c. 41; 1957, c. 12.

“**6.** Subject to this Act,

- (a) if Parliament sits on at least twenty days during the month of June, 1965, the bank may carry on the business of banking until the 1st day of July, 1965, and no longer, and
 - (b) if Parliament does not sit on at least twenty days during the month of June, 1965, the
- Duration of authority to carry on business.

bank may carry on the business of banking
until the sixtieth sitting day of Parliament
next thereafter, and no longer."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 11

An Act respecting the Payment of Certain Provincial Taxes and Fees by Crown Corporations.

[Assented to 18th June, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Crown Corporations (Provincial Taxes and Fees) Act*. Short title.

2. Where, in respect of any transaction, matter or thing, any tax or fee described in section 3 is imposed or levied under a law of a province, which tax or fee would be payable by a corporation listed in the Schedule if that law were applicable to the corporation, the corporation shall, in respect of any such transaction, matter or thing arising or occurring on or after the 1st day of April, 1964, pay the tax or fee so imposed or levied as and when it would be required to do so if that law were applicable to it. Payment of tax or fee by corporation listed in Schedule.

3. A tax or fee of the kind referred to in section 2 is any tax or fee described as follows: Description of tax or fee.

- (a) any retail sales tax of general application payable on an *ad valorem* basis by the purchaser of property subject to such tax in respect of the consumption or use of such property;
- (b) any gasoline or motor vehicle fuel tax of general application except to the extent that such tax is payable in respect of the purchase or delivery of, or the consumption or use of, gasoline or fuel purchased or delivered otherwise than for use with a motor vehicle operated primarily on the highway or purchased or delivered for resale; and

- (c) any fee of general application payable by the owner of a motor vehicle operated on the highway in respect of the registration of such vehicle or the licencing or certification thereof for use on the highway, or in respect of the transfer or renewal of any registration permit, licence or certificate issued for such vehicle.

Determina-
tion by
Governor in
Council in
case of
doubt.

4. Notwithstanding anything in section 3, in any case where, in the opinion of the Governor in Council, a doubt exists as to whether or the extent to which any tax or fee imposed or levied under a law of a province is a tax or fee described in section 3, the Governor in Council may determine whether, or the extent to which, as the case may be, such tax or fee shall be deemed for the purposes of this Act to be a tax or fee described in that section.

Liability of
certain
corporations
not affected.

5. Nothing in this Act shall be construed as limiting or otherwise affecting the liability of any corporation listed in the Schedule to pay any tax or fee that the corporation is otherwise liable to pay or that it would, but for this Act, be liable to pay.

Direction
operative not-
withstanding
any
limitation
expressed or
implied.

6. A direction in this Act to any corporation listed in the Schedule to pay any tax or fee described in section 3 shall be construed as a direction to the corporation to pay such tax or fee, out of any moneys, securities or other property available for the purpose, notwithstanding any prohibition or limitation affecting the powers of the corporation in that behalf expressed or implied in the Act or instrument by or under which the corporation is established or incorporated.

SCHEDULE.

Atomic Energy of Canada, Limited
Bank of Canada
Canada Council
Canadian Broadcasting Corporation
Canadian Commercial Corporation
Canadian National Railways
 as defined in the *Canadian National Railways Act* including,
 without restricting the generality of the foregoing, the Canadian
 National Railway Company in respect of the management and operation of Canadian Government Railways as
 defined in that Act
Canadian National (West Indies) Steamships Limited
Canadian Overseas Telecommunication Corporation
Canadian Patents and Development Limited
Canadian Wheat Board
Central Mortgage and Housing Corporation
Cornwall International Bridge Company Limited
Eldorado Aviation Limited
Eldorado Mining and Refining Limited
Export Credits Insurance Corporation
Farm Credit Corporation
Industrial Development Bank
National Battlefields Commission
National Capital Commission
National Harbours Board
Northern Canada Power Commission
Northern Ontario Pipe Line Crown Corporation
Northern Transportation Company Limited
Park Steamship Company Limited
Polymer Corporation Limited
The St. Lawrence Seaway Authority
The Seaway International Bridge Corporation Ltd.
Trans-Canada Air Lines (Air Canada).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 12

An Act to amend the Farm Credit Act.

[Assented to 18th June, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1959, c. 43;
1960-61,
c. 36;
1962-63, c. 7.

1. (1) Paragraph (f) of section 2 of the *Farm Credit Act* is repealed and the following substituted therefor:

“(f) “farming” includes live stock raising, bee keeping, dairying, fruit growing and all tillage of the soil;” “Farming.”

(2) Section 2 of the said Act is further amended by adding thereto the following subsection:

“(2) For the purposes of Part II the Corporation may deem the executor or the administrator of the estate of a deceased farmer to be a farmer within the meaning of paragraph (e) of subsection (1).”

Executor
or admin-
istrator.

2. Section 12 of the said Act is repealed and the following substituted therefor:

1962-63,
c. 7, s. 1.

“**12.** At the request of the Corporation, the Minister of Finance may with the approval of the Governor in Council pay to the Corporation, out of the Consolidated Revenue Fund, amounts not exceeding in the aggregate twenty-four million dollars, and the money paid to the Corporation under this section constitutes the capital of the Corporation.”

Capital.

3. (1) Subparagraph (i) of paragraph (a) of section 16 of the said Act is repealed and the following substituted therefor:

“(i) to enable the borrower to acquire farm land or to advance money to a person who is a son, son-in-law, daughter, daughter-in-law, nephew, niece, brother or sister or a step-child or foster-child of the borrower, to assist such person to acquire farm land,”

(2) Paragraph (c) of section 16 of the said Act is repealed.

4. The said Act is further amended by adding thereto, immediately after section 16 thereof, the following section:

Interest on
Part II
loans.

“16A. (1) Subject to subsection (2), the interest rate on loans made under Part II shall be

- (a) five per cent per annum, where the amount of the loan does not exceed twenty thousand dollars; and
- (b) where the amount of the loan exceeds twenty thousand dollars,
 - (i) five percent per annum on the first twenty thousand dollars of the loan, and
 - (ii) on any amount in excess of twenty thousand dollars, the rate of interest prescribed under subsection (4) at the time of the approval of the loan.

Prior loans.

(2) For the purpose of determining the rate of interest to be charged with respect to a loan under Part II, the amount outstanding of loans previously made to the borrower under Part II or assumed by him shall be taken into account and deemed to be included in the loan.

Interest on
Part III
loans.

(3) The interest rate on loans made under Part III shall be

- (a) five per cent per annum, where the amount of the loan does not exceed twenty-seven thousand five hundred dollars; and
- (b) where the amount of the loan exceeds twenty-seven thousand five hundred dollars,
 - (i) five per cent per annum on the first twenty-seven thousand five hundred dollars of the loan, and
 - (ii) on any amount in excess of twenty-seven thousand five hundred dollars, the rate of

interest prescribed under subsection (4) at the time of the approval of the loan.

(4) With the approval of the Governor in Council, the Corporation may from time to time by order prescribe for the purposes of subparagraph (ii) of paragraph (b) of subsection (1) and subparagraph (ii) of paragraph (b) of subsection (3) a rate of interest applicable to any loan made by the Corporation, which rate shall be sufficient, if the whole amount of the loan were to be loaned by the Corporation at that rate, to return to the Corporation an amount equal to the cost to the Corporation of any money borrowed for the purposes of the loan and the expenses of the Corporation in respect thereof, including a reasonable reserve against loss.”

Prescribed
rate of
interest.

5. Section 17 of the said Act is amended by adding thereto the following subsection:

“(2) The interest acquired by the Corporation, as mortgagee or upon the realization of any security for a loan under this Act, in any land assessed for taxes by a municipality or other taxing authority, shall, for the purpose of recourse to the land itself for realization of the taxes and for such purpose only, be deemed to be held by the Corporation otherwise than as an agent of Her Majesty in right of Canada.”

Interest of
Corporation
in secured
lands.

6. Subsections (2) and (3) of section 21 of the said Act are repealed and the following substituted therefor:

1962-63,
c. 7, s. 5.

“(2) The total amount outstanding of loans made under this Part to any one person, alone or jointly with others, or in respect of a single farming enterprise, shall not exceed forty thousand dollars.

Maximum to
one person.

(3) Where a farm is wholly or partly mortgaged to the Corporation by way of security for a loan that is primarily for the benefit of another farm constituting the farming enterprise in respect of which the loan is made, the Corporation may, in its discretion, waive the provisions of subsection (2) as they apply to the owner of the first mentioned farm in the case of any second or subsequent loan for another farming enterprise, but in no case shall a loan in respect of a single farming enterprise exceed forty thousand dollars.”

Accom-
modating
mortgage

7. (1) Subparagraph (i) of paragraph (b) of subsection (1) of section 26 of the said Act is repealed and the following substituted therefor:

“(i) fifty-five thousand dollars, or”

(2) Paragraph (c) of subsection (1) of section 26 of the said Act is repealed and the following substituted therefor:

“(c) the loan shall be repayable within a period not exceeding thirty years; and”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 13

An Act to amend the Income Tax Act.

[Assented to 18th June, 1964.]

R.S., c.148;
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54,
55;
1956, c. 39;
1957, c. 29;
1957-58, c. 17;
1958, c. 32;
1959, c. 45;
1960, c. 43;
1960-61,
cc. 17, 49;
1962-63, c. 8;
1963, c. 21.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Subsection (1) of section 6 of the *Income Tax Act* is amended by striking out the word "and" at the end of paragraph (o) thereof, by adding the word "and" at the end of paragraph (p) thereof and by adding thereto the following paragraph:

"(q) amounts received by the taxpayer in the year as legal costs awarded to him by a court on an appeal in relation to an assessment of tax, interest or penalties under this Act, if with respect to that assessment an amount has been deducted or may be deductible under paragraph (w) of subsection (1) of section 11 in computing his income." Legal costs.

(2) This section is applicable to the 1964 and subsequent taxation years.

2. (1) Subsection (1) of section 10 of the said Act is amended by adding thereto, immediately after paragraph (f) thereof, the following paragraph:

"(fa) a payment made by the Federal Republic of Germany or by a public body performing a function of government within that country as compensation to a victim of National Socialist persecution, where no tax is payable in respect of that payment under a law of the Federal Republic of Germany that imposes an income tax," Compensation by Federal Republic of Germany.

(2) This section is applicable to the 1960 and subsequent taxation years.

3. (1) All that portion of paragraph (g) of subsection (1) of section 11 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

Employer's
contribution
to pension
fund.

“(g) an amount paid by the taxpayer in the year or within 120 days from the end of the year to or under a registered pension fund or plan in respect of services rendered by employees of the taxpayer in the year, subject, however, as follows:”

(2) Subparagraphs (ii) and (iii) of paragraph (i) of subsection (1) of section 11 of the said Act are repealed and the following substituted therefor:

- “(ii) not exceeding in the aggregate, the lesser of
- (A) \$1,500 paid in the year into or under the fund or plan by the taxpayer in respect of services rendered by him previous to the year while he was not a contributor, or
 - (B) that part of an amount paid in the year into or under the fund or plan by the taxpayer in respect of services rendered by him previous to the year while he was not a contributor that is not in excess of the amount obtained by multiplying the number of years previous to the year in which he rendered services while he was not a contributor by \$1,500 and subtracting from the product the aggregate of all amounts deducted under this subparagraph in previous years,
- to the extent not deductible in the immediately preceding year under paragraph (u), and
- (iii) not exceeding in the aggregate \$1,500 minus any amount deducted under subparagraph (i) or (ii) in computing his income for the year, paid in the year into or under the fund or plan by the taxpayer in respect of services rendered by him previous to the year while he was a contributor, to the extent not deductible in the immediately preceding year under paragraph (u);”

(3) Paragraph (qb) of subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

“(qb) where a taxpayer was during the year a student in full-time attendance at a university outside Canada in a course leading to a degree, the amount of any fees for his tuition paid to the university in respect of a period not exceeding 12 months commencing in the year and not included in the calculation of a deduction under this subsection for a previous year (except any such fees paid in respect of a course of less than 13 consecutive weeks’ duration); Tuition fees of students.

(qc) where a taxpayer was during the year a student enrolled at an educational institution in Canada Idem.

- (i) that is a university, college or other educational institution providing courses at a post-secondary school level,
- (ii) that is a school operated by or on behalf of Her Majesty in right of Canada or a province, a municipality in Canada, or a municipal or public body performing a function of government in Canada,
- (iii) that is a high school or secondary school providing courses leading to a secondary school certificate or diploma that is a requirement for entrance to a college or university, or
- (iv) that is certified by the Minister of Labour to be an educational institution by which courses are conducted that provide or improve the qualifications of a person for employment or for the carrying on of a business or profession,

the amount of any fees for his tuition paid to the educational institution in respect of a period not exceeding 12 months commencing in the year and not included in the calculation of a deduction under this subsection for a previous year, if such amount exceeds \$25;”

(4) All that portion of paragraph (u) of subsection (1) of section 11 of the said Act following subparagraph (i) thereof is repealed and the following substituted therefor:

“to the extent that it was not deductible in computing his income for the immediately preceding year, exceeds

- (ii) the aggregate of the amounts, if any, deductible under paragraph (i) or section 79B in computing his income for the year;"

(5) Subsection (1) of section 11 of the said Act is further amended by adding the word "and" at the end of paragraph (v) thereof and by adding thereto the following paragraph:

Expenses of
objection or
appeal.

- "(w) amounts paid by the taxpayer in the year in respect of fees or expenses incurred in preparing, instituting or prosecuting an objection to, or an appeal in relation to, an assessment of tax, interest or penalties under this Act."

(6) All that portion of subsection (3e) of section 11 of the said Act preceding paragraph (b) thereof is repealed and the following substituted therefor:

Sale of
agreement
for sale or
mortgage
included in
proceeds of
disposition.

"(3e) Where depreciable property of a taxpayer has, in a taxation year, been disposed of to a person with whom the taxpayer was dealing at arm's length, and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the taxpayer has, in a subsequent taxation year, sold to a person with whom he was dealing at arm's length, there may be deducted in computing the income of the taxpayer for the subsequent year, an amount equal to the lesser of

- (a) the amount, if any, by which the principal amount of the agreement for sale, mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the taxpayer for the agreement for sale, mortgage or hypothec, or"

(7) Subsection (8) of section 11 of the said Act is repealed and the following substituted therefor:

Employee's
contribution
to pension
fund for
arrears.

"(8) Where an amount has been contributed by a taxpayer to or under a registered pension fund or plan

- (a) after 1945, in respect of services rendered by him in a year while he was not a contributor, or
(b) after 1962, in respect of services rendered by him in a year while he was a contributor,
it may be included in computing a deduction under
(c) subparagraph (ii) of paragraph (i) of subsection (1), in the case of an amount described in paragraph (a), or

(d) subparagraph (iii) of paragraph (i) of subsection (1), in the case of an amount described in paragraph (b),

for taxation years subsequent to the year in which it was contributed to the extent that it exceeds the aggregate of amounts deductible in respect thereof under this subsection, the said subparagraph (ii) or (iii) or paragraph (u) of subsection (1) in computing incomes for years preceding the taxation year."

(8) Subsections (1), (3), (4), (5) and (7) of this section and subparagraph (ii) of paragraph (i) of subsection (1) of section 11 of the said Act, as amended by this Act, are applicable to the 1964 and subsequent taxation years, and subsection (6) of this section and subparagraph (iii) of paragraph (i) of subsection (1) of section 11 of the said Act, as amended by this Act, are applicable to the 1963 and subsequent taxation years.

4. (1) Subsection (3) of section 12 of the said Act is repealed.

(2) Subsection (1) is applicable to the 1964 and subsequent taxation years.

(3) Where an amount in respect of an outlay or expense that was incurred before the 1964 taxation year and that was not deductible by reason of the application of subsection (3) of section 12 of the said Act is paid before 1967, it may be deducted in computing the taxpayer's income for the taxation year in which it is paid.

5. (1) The said Act is further amended by adding thereto, immediately after section 17 thereof, the following section:

"18. (1) Where an amount in respect of a deductible outlay or expense that was owing by a taxpayer to a person with whom the taxpayer was not dealing at arm's length at the time the outlay or expense was incurred and at the end of the second taxation year following the taxation year in which the outlay or expense was incurred, is unpaid at the end of that second taxation year, either

Unpaid
amounts.

- (a) the amount so unpaid shall be included in computing the taxpayer's income for the third taxation year following the taxation year in which the outlay or expense was incurred, or
- (b) where the taxpayer and that person have filed an agreement in prescribed form on or before

the day on or before which the taxpayer is required by section 44 to file his return of income for the third succeeding taxation year, for the purposes of this Act the following rules shall apply:

- (i) the amount so unpaid shall be deemed to have been paid by the taxpayer and received by that person on the first day of the said third taxation year, and
- (ii) that person shall be deemed to have made a loan to the taxpayer on the first day of the said third taxation year in an amount equal to the amount deemed by subparagraph (i) to have been paid by the taxpayer.

Idem.

(2) Where an amount in respect of a deductible outlay or expense that was owing by a taxpayer that is a corporation to a person with whom the taxpayer was not dealing at arm's length is unpaid at the time when the taxpayer is wound up, and the taxpayer is wound up before the end of the second taxation year following the taxation year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the taxpayer's income for the taxation year in which it is wound up."

(2) This section is applicable to an outlay or expense incurred in the 1964 or subsequent taxation years.

6. (1) Subsection (6) of section 20 of the said Act is amended by striking out the word "and" at the end of paragraph (h) thereof, by repealing paragraph (i) thereof and by substituting therefor the following paragraphs:

"(i) where depreciable property of a taxpayer has, in a taxation year, been disposed of to a person with whom the taxpayer was dealing at arm's length, and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the taxpayer has, in the year, sold to a person with whom he was dealing at arm's length, in consideration for an amount less than the principal amount of the agreement for sale, mortgage or hypothec, there shall be deducted in computing the proceeds of disposition the amount, if any, by which the principal amount of the agreement for sale,

mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the taxpayer for the agreement for sale, mortgage or hypothec; and

- (j) where a taxpayer has disposed of an interest in a partnership, an amount equal to the part of the consideration for the disposition of the interest of the taxpayer in the partnership that can reasonably be regarded as being in relation to the interest of the taxpayer in the depreciable property of a class that was used in the business of the partnership shall be deemed to be proceeds of disposition of depreciable property of that class and the person who acquired the interest of the taxpayer in the partnership shall be deemed to have acquired an interest in property at a capital cost equal to that amount."

(2) Paragraph (i) of subsection (6) of section 20 of the said Act, as enacted by this section, is applicable to the 1963 and subsequent taxation years, and paragraph (j) of subsection (6) of section 20 of the said Act, as enacted by this section, is applicable to the 1964 and subsequent taxation years.

7. (1) Subparagraph (ii) of paragraph (d) of subsection (1) of section 26 of the said Act is amended by striking out the word "or" at the end of clause (A) thereof, by adding the word "or" at the end of clause (B) thereof and by adding thereto the following clause:

"(C) 21 years of age or over and in full-time attendance at a school or university,"

(2) Subsection (1) is applicable to the 1964 and subsequent taxation years.

8. Subsection (1) of section 5 of chapter 39 of the Statutes of 1956 is applicable in respect of amounts paid under any enactment of the Parliament of Canada passed in the year 1964.

9. Subparagraphs (iv) and (v) of paragraph (a) of subsection (1) of section 33 of the said Act are repealed and the following substituted therefor:

"(iv) 21% of the basic tax, in respect of the 1965 taxation year, and

(v) 24% of the basic tax, in respect of the 1966 taxation year; and"

10. (1) All that portion of subsection (1) of section 35 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Part
payments.

"35. (1) Where a part of a payment is required by subsection (1) of section 7 to be included in computing the income of an individual resident in Canada other than a trust or estate for a taxation year and it may reasonably be regarded as a payment of interest in respect of a period of not less than 3 years, the amount thereof may, at the option of the taxpayer, be deemed not to be income of the taxpayer for the purposes of this Part, in which case the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount thereof equal to the portion thereof that"

(2) This section is applicable to the 1964 and subsequent taxation years.

11. Paragraph (c) of subsection (2) of section 41A of the said Act is repealed and the following substituted therefor:

"Tax
otherwise
payable by a
taxpayer
under this
Part."

"(c) "tax otherwise payable by a taxpayer under this Part" for a taxation year means the tax for the taxation year otherwise payable by the taxpayer after making any deduction under section 33, 38 or 40 and before making any deduction under section 41 or this section."

12. (1) Subsection (2) of section 70 of the said Act is repealed and the following substituted therefor:

Special tax
rate.

"(2) The tax payable under this Part by a corporation for a taxation year when it was a non-resident-owned investment corporation is an amount equal to 15% of its taxable income for the year."

(2) This section is applicable to the 1965 and subsequent taxation years.

13. (1) All that portion of paragraph (c) of subsection (2) of section 71A of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

- “(c) “manufacturing or processing business” means a business that had net sales for the fiscal period in respect of which the expression is being applied from the sale of goods processed or manufactured in Canada by the business the amount of which was at least 95% of the amount by which the gross revenue from the business for the period exceeds the aggregate of each amount paid or credited in the period to a customer of the business as a bonus, rebate or discount or for returned or damaged goods, but does not include a business that is principally”
- “Manufacturing or processing business.”

(2) Paragraph (c) of subsection (2) of section 71A of the said Act is repealed and the following substituted therefor:

- “(e) “new manufacturing or processing business” means a manufacturing or processing business that commenced manufacturing or processing in reasonable commercial quantities after December 4, 1963, and before April 1, 1967;”
- “New manufacturing or processing business.”

(3) Subsection (3) of section 71A of the said Act is repealed and the following substituted therefor:

“(3) For the purpose of this section, a person shall be deemed not to have been carrying on a business in a designated area in a fiscal period unless

Business in a designated area.

- (a) throughout the fiscal period, the value of all machinery, equipment (other than delivery equipment) and buildings situated in the designated area that were owned or leased by the person and used in the business, is at least 95% of the value of all machinery, equipment (other than delivery equipment) and buildings wherever situated that were owned or leased by the person and used in the business; and
- (b) throughout the fiscal period, the value of all machinery and equipment that were owned or leased by the person and used in the business, and that were acquired by the person or by the lessor, as the case may be, after June 13, 1963, and had not been used for any purpose whatever before June 14, 1963, is at least 95% of the value of all machinery and equipment that were used in the business.”

(4) Subsection (5) of section 71A of the said Act is repealed and the following substituted therefor:

Determina-
tion of
value.

“(5) For the purpose of subsection (3), the value of any machinery, equipment and buildings that were owned or leased by a person and used in a business is the value thereof as of the day such machinery, equipment and buildings were first used in the business.”

(5) Section 71A of the said Act is further amended by adding thereto the following subsections:

Notice
of
intention.

“(7) A taxpayer intending to carry on a new manufacturing or processing business in a designated area may complete and file with the Minister of Industry a notice of intention in such form as may be prescribed by the Minister of Industry.

Deemed
designated
area.

(8) Where, during a period when an area was a designated area,

(a) a certificate was issued under subsection (6),
or

(b) a notice of intention was filed under subsection (7),

with respect to a new manufacturing or processing business of a taxpayer in that area, if the area has ceased to be a designated area it shall,

(c) where the business commenced manufacturing or processing in reasonable commercial quantities before the area ceased to be a designated area or within 12 months thereafter, or

(d) in any other case, if the Minister of Industry is satisfied

(i) that the taxpayer had made substantial progress in establishing the new business before the area ceased to be a designated area, and

(ii) that the taxpayer proceeded with reasonable expedition after the area ceased to be a designated area to cause the business to commence manufacturing or processing in reasonable commercial quantities,

for the purposes of the application of this section in computing the income of the taxpayer from carrying on the business, be deemed to be a designated area.”

(6) Subsection (1) is applicable to the 1963 and subsequent taxation years and subsections (3) and (5) of section 71A of the said Act, as enacted by this section, are applicable to the 1964 and subsequent taxation years.

14. (1) Section 72 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

“(1a) There may be deducted in computing the income for a taxation year of a taxpayer who carried on business in Canada and made expenditures in the year in respect of scientific research carried on outside Canada, all such expenditures of a current nature made in the year Idem.

- (a) on scientific research related to the business and directly undertaken by or on behalf of the taxpayer; or
- (b) by payments to an approved association, university, college, research institute or other similar institution to be used for scientific research related to the class of business of the taxpayer.”

(2) Subsection (3a) of section 72 of the said Act is repealed and the following substituted therefor:

“(3a) Where in respect of an expenditure on scientific research made by a taxpayer in a taxation year an amount is deductible under this section and under section 27, no deduction may be made in respect of the expenditure under section 27 in computing the taxable income of the taxpayer for any taxation year.” Idem.

(3) Paragraph (c) of subsection (4) of section 72 of the said Act is repealed and the following substituted therefor:

- “(c) references to expenditures on or in respect of scientific research
- (i) where the references occur in subsection (1a) of this section, include only expenditures incurred for and wholly attributable to the prosecution of scientific research, and
 - (ii) where the references occur other than in subsection (1a) of this section, include only expenditures incurred for and wholly attributable to the prosecution, or the provision of facilities for the prosecution, of scientific research in Canada, and”

(4) Subsections (1) and (3) are applicable to the 1962 and subsequent taxation years.

15. (1) Subparagraph (ii) of paragraph (b) of subsection (3) of section 79B of the said Act is repealed and the following substituted therefor:

“(ii) to any person by way of an annuity, to be reduced if a pension becomes payable to that person under the *Old Age Security Act*, by any annual or other periodic amount not exceeding the amount payable to that person in that period under the *Old Age Security Act*, or”

(2) All that portion of subsection (12) of section 79B of the said Act following paragraph (b) thereof is repealed and the following substituted therefor:

“and upon the payment or transfer of such funds

(c) the amount so paid or transferred on behalf of the annuitant shall not by reason only of such payment or transfer be included in computing his income, and

(d) no deduction may be made under subsection (5) or section 11 in respect of the amount so paid or transferred in computing the income of the taxpayer for a taxation year.”

(3) This section is applicable to the 1964 and subsequent taxation years.

16. (1) All that portion of subsection (1) of section 85D of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Sale of
accounts
receivable.

“**85D.** (1) Where a person who has been carrying on a business has, in a taxation year, sold all or substantially all the property used in carrying on the business, including the debts that have been or will be included in computing his income for that year or a previous year and that are still outstanding, and including the debts arising from loans made in the ordinary course of his business if part of his ordinary business was the lending of money and that are still outstanding, to a purchaser who proposes to continue the business which the vendor has been carrying on, if the vendor and the purchaser have executed jointly an election in prescribed form to have this section apply, the following rules are applicable:”

(2) This section is applicable to the 1964 and subsequent taxation years.

17. (1) The said Act is further amended by adding thereto, immediately after section 90 thereof, the following section:

"90A. (1) Where a taxpayer may appeal to the Board with respect to more than one assessment, the notices of appeal in relation to such appeals may be included in one document and that document shall be deemed to be the notice of appeal with respect to each assessment to which it relates.

Notices of appeal in one document.

(2) The filing fee required by subsection (1) of section 90 in respect of the document described in subsection (1) is \$15."

Filing fee.

(2) This section is applicable in respect of any notice of appeal filed or sent under subsection (1) of section 89 of the said Act either before or after the coming into force of this Act.

(3) This section shall not apply to render invalid any appeal to the Board or to the Exchequer Court of Canada instituted before the coming into force of this Act.

18. (1) The said Act is further amended by adding thereto, immediately after section 99 thereof, the following section:

"99A. (1) Where the Minister or a taxpayer may appeal to the Exchequer Court of Canada with respect to more than one assessment in relation to that taxpayer, the notices of appeal in relation to such appeals may be included in one document and that document shall be deemed to be the notice of appeal with respect to each assessment to which it relates.

Notices of appeal in one document.

(2) The filing fee required by subsection (4) of section 98 in respect of the document described in subsection (1) is \$15.

Filing fee.

(3) Where notices of appeal have been included in one document under subsection (1), the replies, notices of cross-appeal and replies to cross-appeals arising from those notices of appeal may, in each case, be included in one document."

Other joinder in one document.

(2) This section is applicable in respect of any notice of appeal, reply, notice of cross-appeal and reply to cross-appeal filed under subsection (1) of section 98

or section 99, as the case may be, of the said Act either before or after the coming into force of this Act.

(3) This section shall not apply to render invalid any appeal to the Exchequer Court of Canada instituted before the coming into force of this Act.

19. (1) Part IID of the said Act is repealed.

(2) This section shall be deemed to have come into force on December 5, 1963.

20. (1) Paragraph (a) of subsection (1a) of section 106 of the said Act is repealed and the following substituted therefor:

“(a) shall pay an income tax of 15% on every amount that a person resident in Canada, other than a person described in paragraph (b), pays or credits, or is deemed by Part I to pay or credit, to him as, on account or in lieu of payment of, or in satisfaction of a dividend other than

(i) a dividend from a non-resident-owned investment corporation if the corporation has, previous to the payment of the dividend and at a time when it was taxable under section 70, paid dividends (other than dividends on which no tax was payable under this Part) the aggregate amount of which is not less than the corporation's surplus determined in prescribed manner for taxation years for which it was not taxable under section 70, or

(ii) a dividend that would not be included in computing income under Part I by virtue of section 67; and”

(2) For the purpose of determining whether a corporation has a degree of Canadian ownership for the purposes of subsection (1a) of section 106 of the said Act, section 139A of the said Act shall

(a) in relation to any dividend declared on or before March 16, 1964,

(i) if the corporation so elects, be read as amended by this Act and, as so amended, be deemed to have been applicable to the 1963 and subsequent taxation years, and

- (ii) if the corporation does not so elect, be read as if it had not been amended by this Act; and
- (b) in relation to any dividend declared after March 16, 1964, be read as amended by this Act.

(3) All that portion of subsection (1b) of section 106 of the said Act following paragraph (b) thereof is repealed and the following substituted therefor:

“paid or credited, or is deemed by Part I to have paid or credited, to a non-resident person, any amount as, on account or in lieu of payment of, or in satisfaction of a dividend, a part of that amount equal to 5% thereof, if the amount was so paid or credited after June 13, 1963, and before January 1, 1967, and an amount equal to 15% of that amount has been deducted or withheld under this Part and paid to the Receiver General of Canada shall, for the purpose of subsection (7) of section 123,

- (c) be deemed to be an amount in excess of the tax that the non-resident person was liable to pay to the Receiver General of Canada; and
- (d) be deemed to have been paid on behalf of the non-resident person in the calendar year 1967.”

21. All that portion of subsection (1) of section 107 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“**107.** (1) Tax is not payable by a non-resident person under subsection (1a) of section 106 on a dividend in respect of a share of the capital stock of a foreign business corporation if not less than 90% of the aggregate of the amounts received or receivable by it that are required to be included in computing its income for the taxation year in which the dividend was paid was received or receivable in respect of the operation by it of public utilities in a country in which”

Tax non-payable by non-resident person.

22. (1) All that portion of subsection (1) of section 110B of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“**110B.** (1) Every non-resident corporation carrying on business in Canada at any time in a taxation year shall, on or before the day on or before which it is required to file a return of income under Part I for the year, pay a tax equal to 15% of the amount by which”

Additional tax.

(2) This section is applicable to the 1965 and subsequent taxation years.

23. (1) All that portion of subsection (2) of section 115 of the said Act following paragraph (a) thereof is repealed and the following substituted therefor:

“exceeds

- (b) that part of the amount of tax payable in respect of the death of the donor under the *Estate Tax Act*, after making any deduction permitted by subsection (1) of section 9 of that Act but before making any other deduction permitted by that section, that is payable on or in respect of any property comprised in the gift mentioned in paragraph (a),

the amount of the excess shall be deemed to be an overpayment made by that person at the time the tax mentioned in paragraph (b) became payable, on account of that person's tax under this Part for the taxation year in which the donor died, and, for the purposes of the *Estate Tax Act*, a reference therein to the amount of any tax paid by a person under this Part in respect of a gift made by a donor during his lifetime shall be construed as a reference to the amount of the tax actually so paid minus the amount of any overpayment deemed by this subsection to have been made by that person.”

(2) Section 115 of the said Act is further amended by adding thereto the following subsection:

“(3) For the purposes of subsection (2), where a gift *inter vivos* has been made by a person of property comprised in any community of property that existed between that person and his spouse,

- (a) the gift shall be deemed to have been made partly by that person and partly by his spouse in the same proportion as the proportion which the share of that person in the community bears to the share of his spouse in the community; and
- (b) the amount of any tax under this Part paid in respect of the gift shall be deemed to have been paid partly by that person and partly by his spouse in the same proportion as the proportion which the share of that person in the community bears to the share of his spouse in the community.”

Gift from
community
of property.

(3) This section is applicable in respect of any gift made by a donor whose death or the death of whose spouse occurred after March 16, 1964.

24. (1) Paragraph (ar) of subsection (1) of section 139 of the said Act is repealed and the following substituted therefor:

- “(ar) “superannuation or pension benefit” includes any amount received out of or under a superannuation or pension fund or plan and without restricting the generality of the foregoing includes any payment made to a beneficiary under the fund or plan or to an employer or former employer of the beneficiary thereunder,
- (i) in accordance with the terms of the fund or plan,
 - (ii) resulting from an amendment to or modification of the fund or plan, or
 - (iii) resulting from the termination of the fund or plan;”

“Superannuation or pension benefit.”

(2) This section is applicable to the 1964 and subsequent taxation years.

25. (1) Subparagraph (ii) of paragraph (a) of subsection (1) of section 139A of the said Act is repealed and the following substituted therefor:

“(ii) either

- (A) not less than 25% of the issued and outstanding shares of the corporation having full voting rights under all circumstances were owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof, and equity shares representing in the aggregate not less than 25% of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation were owned by one or more individuals resident in Canada, one or more corporations controlled in Canada, or a combination thereof, or
- (B) a class or classes of shares of the corporation having full voting rights

under all circumstances were listed on a prescribed stock exchange in Canada, and it is established in prescribed manner that no one non-resident person and no one corporation that did not comply with clause (A) of this subparagraph owned more than 75% of the issued and outstanding shares of the corporation having full voting rights under all circumstances, alone or in combination with any other person related to such non-resident person or such corporation at any time within the period within the meaning of subsection (5a) or (5b) of section 139, and a class or classes of equity shares of the corporation representing in the aggregate not less than 50% of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation were listed on a prescribed stock exchange in Canada, and it is established in prescribed manner that no one non-resident person and no one corporation that did not comply with clause (A) of this subparagraph owned equity shares representing in the aggregate more than 75% of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation, alone or in combination with any other person related to such non-resident person or such corporation at any time within the period within the meaning of subsection (5a) or (5b) of section 139, and"

(2) Subsection (1) of section 139A of the said Act is further amended by striking out the word "or" at the end of paragraph (a) thereof, by repealing paragraph (b) thereof and by substituting therefor the following paragraphs:

"(b) the corporation complied with the conditions specified in subparagraphs (i) and (iii) of

paragraph (a) and was a subsidiary wholly-owned corporation subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in paragraph (a) or (c); or

- (c) the corporation complied with the conditions specified in subparagraphs (i) and (iii) of paragraph (a) and was a subsidiary controlled corporation

- (i) of which equity shares representing at least 75% of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares were owned by

(A) the corporation to which it was subsidiary,

(B) a corporation controlled in Canada,

(C) an individual resident in Canada, or

(D) any combination of persons described in clause (A), (B) or (C), and

- (ii) subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in paragraph (a) or (b)."

(3) Paragraphs (a) to (c) of subsection (2) of section 139A of the said Act are repealed and the following substituted therefor:

"(a) a corporation that has share capital is not controlled in Canada at a particular time unless at that time the corporation is resident in Canada, and

- (i) more than 50% of its issued and outstanding shares having full voting rights under all circumstances,

- (ii) shares representing in the aggregate more than 50% of its paid-up capital, and

- (iii) equity shares representing in the aggregate more than 50% of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares

are owned by

- (iv) individuals resident in Canada,

- (v) corporations resident in Canada with respect to each of which

- (A) more than 50% of the issued shares having full voting rights under all circumstances,
- (B) shares representing in the aggregate more than 50% of the paid-up capital, and
- (C) equity shares representing in the aggregate more than 50% of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares are owned by individuals resident in Canada, or
- (vi) any combination of individuals or corporations described in subparagraph (iv) or (v);
- (b) where
 - (i) a non-resident person,
 - (ii) a corporation that does not have a degree of Canadian ownership, or
 - (iii) a corporation that is related to a non-resident person within the meaning of subsection (5a) or (5b) of section 139 has a right, either as an incident of ownership of a share of a corporation or otherwise under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, equity shares in a corporation, those shares shall
 - (iv) unless the right is contingent upon an event that it is not reasonable to expect to occur within a reasonable time, or
 - (v) unless the right is such that a reasonable man concerned only with the value of the shares would not exercise it, be deemed
 - (vi) to be owned by the person who has the right,
 - (vii) to be owned by a non-resident person, where the person who has the right is a corporation described in subparagraph (ii) or (iii), and
 - (viii) where the shares are unissued,
 - (A) to be issued and outstanding, and
 - (B) to have a paid-up capital value, with respect to each share, equal to
 1. the par value, where the shares have a par value,
 - 2.

2. the amount that would be paid with respect to each share to exercise the right under the terms of the contract, where the shares have no par value and an amount is specified in the contract, or
 3. the market value at the end of the relevant sixty-day period of a share of the class of shares of that corporation that is most closely similar to that share, where the shares have no par value and no amount is specified in the contract,
- and any other person who actually owns the shares in respect of which that right exists shall be deemed not to own those shares;
- (c) where shares are owned by a trustee resident in Canada, other than a trustee
- (i) who is a trustee under
 - (A) a registered pension fund or plan,
 - (B) a deferred profit sharing plan,
 - (C) an employees profit sharing plan, or
 - (D) a supplementary unemployment benefit plan
 in relation to which at least 75% of the employees covered by the plan are resident in Canada, and
 - (ii) who owns, as trustee, if he is a trustee under a registered pension fund or plan, less than 10% of the issued and outstanding equity shares of a corporation that is an employer of employees covered by the registered pension fund or plan, or a corporation related thereto within the meaning of subsection (5a) or (5b) of section 139,
- the shares shall be deemed not to be owned by a person resident in Canada unless it is established that each beneficiary under the trust is an individual resident in Canada;”

(4) Subsection (2) of section 139A of the said Act is further amended by adding thereto the following paragraphs:

“(e) “equity share” means

- (i) a share, other than a non-participating share, the owner of which has, as owner thereof, a right

“Equity share.”

- (A) to a dividend, and
- (B) to a part of the surplus of the corporation after repayment of capital and payment of arrears of dividend, upon the redemption of the share, a reduction of the capital of the corporation or the winding up of the corporation, at least as great, in any event, as the right of the owner of any other share, other than a non-participating share, of the corporation, when the magnitude of the right in each case is expressed as a rate based on the paid-up capital value of the share to which the right relates, or
- (ii) a share, other than a non-participating share, the owner of which has, as owner thereof, a right
 - (A) to a dividend, after a dividend at a rate not in excess of 8% per annum of the paid-up capital value of each share has been paid to the owners of shares of a class other than the class to which that share belongs, and
 - (B) to a part of the surplus of the corporation after repayment of capital and payment of arrears of dividend, upon the redemption of the share, a reduction of the capital of the corporation or the winding up of the corporation, after a payment of a part of the surplus at a rate not in excess of 10% of the paid-up capital value of each share has been made to the owners of shares of a class other than the class to which that share belongs, at least as great, in any event, as the right of the owner of any other share, other than a non-participating share, of the corporation, when the magnitude of the right in each case is expressed as a rate based on the paid-up capital value of the share to which the right relates;
- (f) "non-participating share" means a share the owner of which is not entitled to receive, as owner thereof, any dividend other than a dividend, whether cumulative or not,
 - (i) at a fixed annual rate or amount, or
 - (ii)

"Non-participating share."

- (ii) at an annual rate or amount not in excess of a fixed annual rate or amount;
- (g) "paid-up capital value", with reference to a share, means
 - (i) in the case of an unissued share that is deemed by paragraph (b) to be issued and outstanding, the amount determined under clause (B) of subparagraph (viii) of that paragraph, and
 - (ii) in any other case, an amount equal to the paid-up capital of the corporation that is represented by the shares of the class to which that share belongs divided by the number of shares of that class that are in fact issued and outstanding; and
- (h) where
 - (i) the paid-up capital of a corporation that is represented by all the issued and outstanding equity shares of the corporation is less than 50% of the paid-up capital of the corporation that is represented by all the issued and outstanding shares of the corporation other than non-participating shares, or
 - (ii) a non-participating share of the corporation, the owner of which has, as owner, a right to a dividend
 - (A) at a fixed annual rate in excess of 8%, or
 - (B) at an annual rate not in excess of a fixed maximum annual rate, if the fixed maximum annual rate is in excess of 8%,
 when the right to the dividend is expressed as a rate based on the paid-up capital value of the share to which the right relates, is issued and outstanding,
 the issued and outstanding equity shares of the corporation shall be deemed not to be equity shares."

(5) Subsection (2) of section 28 of *An Act to amend the Income Tax Act*, chapter 21 of the Statutes of 1963 is repealed.

(6) Where a corporation so elects, that portion of subsection (1) of section 139A of the said Act that precedes paragraph (a) thereof shall, for the 1963 taxation year of that corporation, be read as follows:

"139A. (1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a taxation year if throughout any sixty-day period commencing after June 13, 1963 and ending before May 1, 1964"

(7) Where a corporation so elects, that portion of subsection (1) of section 139A of the said Act that precedes paragraph (a) thereof shall, for the 1964 and 1965 taxation years of that corporation, be read as follows:

"139A. (1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a taxation year if throughout any sixty-day period commencing after June 13, 1963 and ending before January 1, 1965"

(8) Subsections (1) to (4) are applicable to the 1964 and subsequent taxation years and subsection (5) is applicable to the 1963 and subsequent taxation years.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 14

An Act to amend the Judges Act and the Exchequer Court Act.

[Assented to 18th June, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (b) of section 5 of the *Judges Act* is repealed and the following substituted therefor: 1963, c. 8, s. 1.

“(b) Six puisne judges, each.....21,000.00”

2. Subsection (1) of section 4 of the *Exchequer Court Act* is repealed and the following substituted therefor: 1960-61, c. 38, s. 5.

“**4.** (1) The Exchequer Court shall consist of the President and six Puisne Judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal.” Constitution of Court.

3. The *Exchequer Court Act* is further amended by adding thereto, immediately after section 6 thereof, the following section:

“**6A.** A judge of the Court designated by the Speaker of the Senate for the purpose of this section after consultation with the President of the Court, if he is granted leave of absence for such purpose by the Governor in Council from his duties as a judge of the Court, has and may exercise and perform all of the Leave of absence to perform duties of officer of Senate.

powers, duties and functions of the officer of the Senate referred to in section 3 of the *Dissolution and Annulment of Marriages Act.*"

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 15

An Act to amend the National Housing Act, 1954.

[Assented to 18th June, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Paragraph (a) of subsection (2) of section 4 of the *National Housing Act, 1954* is repealed and the following substituted therefor:

“(a) by more than two and one-quarter per cent in respect of loans made under Part I or section 23D;”

(2) Paragraph (c) of subsection (2) of section 4 of the said Act is repealed and the following substituted therefor:

“(c) by more than one-half of one per cent in respect of loans made under sections 16, 16A, 23C, Part VI, Part VIA or Part VIB;”

2. (1) Subparagraphs (i) and (ii) of paragraph (d) of subsection (1) of section 7 of the said Act are repealed and the following substituted therefor:

- “(i) 95% of the first \$13,000 of the lending value or any part thereof,
- (ii) 70% of the amount by which the lending value exceeds \$13,000, and”

(2) Subparagraphs (i) and (ii) of paragraph (e) of subsection (1) of section 7 of the said Act are repealed and the following substituted therefor:

1953-54 c. 73
1956, c. 9;
1957-58, c. 18
1958, c. 3;
1959, c. 6;
1960, c. 10
1960-61,
cc. 1, 61;
1962-63, c. 17

1960-61,
c. 1, s. 1.

1960-61, c. 1
s. 2(2);
1957-58, c. 18,
s. 1(1).

1960-61, c. 1,
s. 2(3);
1957-58, c. 18,
s. 1(1).

- “(i) 95% of the first \$13,000 of one-half of the lending value or any part thereof,
- (ii) 70% of the amount by which one-half of the lending value exceeds \$13,000,”

1960-61, c. 1

s. 2(6);

1957-58, c. 18,

s. 1(2).

(3) Subparagraphs (i) and (ii) of paragraph (g) of subsection (1) of section 7 of the said Act are repealed and the following substituted therefor:

- “(i) 95% of the first \$13,000 of the lending value of each house or any part thereof,
- (ii) 70% of the amount by which the lending value of each house exceeds \$13,000, and”

1960-61, c. 1

s. 2(7);

1957-58, c. 18,

s. 1(2).

(4) Subparagraphs (i) and (ii) of paragraph (h) of subsection (1) of section 7 of the said Act are repealed and the following substituted therefor:

- “(i) 95% of the first \$13,000 of one-half of the lending value of each house or any part thereof,
- (ii) 70% of the amount by which one-half of the lending value of each house exceeds \$13,000,”

3. (1) Subparagraph (ii) of paragraph (c) of subsection (1) of section 9 of the said Act is repealed and the following substituted therefor:

“(ii) for a period of twelve months,”

1959, c. 6,

s. 2(2).

(2) Paragraphs (d) and (e) of subsection (1) of section 9 of the said Act are repealed and the following substituted therefor:

- “(d) where the default period in respect of any amount specified in paragraph (a), (b) or (c) is in excess of twelve months, additional interest at the mortgage interest rate less two on each such amount
 - (i) for the period of such excess, or
 - (ii) for a period of six months,
 whichever is the shorter period, if after the mortgage account had gone into default in an amount equal to three monthly payments of principal, interest and taxes where the loan is repayable monthly, or in an amount equal to the quarterly, semi-annual or annual payment where the loan is repayable quarterly, semi-

annually or annually, the approved lender holding or administering the loan within the time prescribed by regulation notified the Corporation of such default and took such steps in respect of such account as were satisfactory to the Corporation; and

- (e) an acquisition fee of two hundred and fifty dollars and such taxable legal disbursements as may be approved by the Corporation;”

4. (1) Subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

“11. (1) Subject to this section, the Corporation Investments by Corporation.
may

- (a) purchase all right or interest of the holder of an insured loan and take an assignment of the mortgage and other security taken in respect thereof; and
(b) make loans to the holders of mortgages taken in respect of insured loans on such terms and conditions, including the rate of interest, as the Corporation may determine upon the security of an assignment of or an agreement to assign such insured loans.

(1a) There shall be established in the Consolidated Revenue Fund a special account to be known as the Mortgage and Loan Purchase Fund to which Special account established.

- (a) shall be charged all advances made to the Corporation to enable it to make purchases or loans pursuant to subsection (1); and
(b) shall be credited all moneys paid to the Consolidated Revenue Fund by the Corporation pursuant to an agreement between the Corporation and the Minister in respect of the repayment of loans made pursuant to subsection (1).

(1b) Subject to subsection (1c), the Minister Advances out of C.R.F.
may, on the requisition of the Corporation and upon terms and conditions approved by the Governor in Council, make advances out of the Consolidated Revenue Fund to the Corporation for the purposes of this section.

(1c) A payment of an advance under subsection (1b) shall not be greater than the amount by which Limit on advances out of C.R.F.

(a) one hundred million dollars
exceeds

- (b) the total amount of advances charged to the Mortgage and Loan Purchase Fund, minus the

total amount of moneys paid by the Corporation pursuant to subsection (1a)."

1959, c. 6
s. 4.

(2) Subsections (3) and (4) of section 11 of the said Act are repealed and the following substituted therefor:

Insurance
of obliga-
tions sold.

"(3) Where the Corporation has sold an obligation pursuant to subsection (2) it may, if the obligation is administered by an approved lender or the Corporation, issue an insurance policy in respect thereof to the purchaser and such obligation shall be deemed to be an insured loan and the Corporation shall, at the time of the sale, except where the obligation is a loan acquired by the Corporation pursuant to subsection (1) or is a loan made pursuant to Part I under section 40, credit the Mortgage Insurance Fund with one and three-quarters per cent of the amount of the obligation at the time of sale if it is in respect of a house, and two and one-quarter per cent thereof if it is in respect of a rental housing project.

Losses to be
charged to
Mortgage
Insurance
Fund.

(4) Losses incurred by the Corporation in respect of a loan acquired by the Corporation pursuant to subsection (1) shall be charged to the Mortgage Insurance Fund to the extent of the amount that would have been payable to an approved lender pursuant to section 9 if the loan had been held by the approved lender and the mortgaged property acquired by the Corporation shall be an asset of the Mortgage Insurance Fund."

5. The said Act is further amended by adding thereto, immediately after section 16 thereof, the following section:

Loans to
non-profit
corporations.

"16A. (1) The Corporation may, with the approval of the Governor in Council, make a loan to a non-profit corporation for the purpose of assisting in

(a) the construction of a housing project or housing accommodation of the hostel or dormitory type; and

(b) the purchase of existing buildings and the land upon which they are situated and their conversion into a housing project or housing accommodation of the hostel or dormitory type;

to provide decent, safe and sanitary housing accommodation complying with standards approved by the Corporation, to be leased to individuals or families of low income.

(2) A loan made under the authority of this section shall be subject to the terms and conditions applicable to a loan made under the authority of section 16.

(3) In this section, "non-profit corporation" means a corporation wholly owned by the government of a province, by a municipality, by any agency of that province or municipality or by a corporation constituted exclusively for charitable purposes no part of the income of which is payable to or is otherwise available for the personal benefit of any proprietor, member or shareholder thereof."

Loans to be on same terms and conditions as loans to limited dividend housing corporations.

"Non-profit corporation" defined.

6. Subsection (1) of section 22 of the said Act is repealed and the following substituted therefor:

1960-61, c. 61, s. 1

"22. (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate two and one-half billion dollars

Advances out of C.R.F.

- (a) advance moneys to the Corporation for the purpose of making loans under this Part, Part VI, and sections 40 and 40A; and
- (b) reimburse the Corporation for losses sustained in respect of loans made under this Part and Part VI."

7. Part III of the said Act is repealed and the following substituted therefor:

1956, c. 9, s. 7.

"PART III.

URBAN RENEWAL.

23. In this Part,

Definitions

- (a) "urban renewal area" means a blighted or substandard area of a municipality for which the government of the province in which the area is located has approved the implementation of an urban renewal scheme; and
- (b) "urban renewal scheme" means a scheme for the renewal of a blighted or substandard area of a municipality that includes

"Urban renewal area."

"Urban renewal scheme."

- (i) a plan designating the buildings and works in the area that are to be acquired and cleared by the municipality in connection with the scheme and for making available to persons dispossessed of housing accommodation by such acquisition or clearance, decent, safe and sanitary housing accommodation at rentals that, in the opinion of the Corporation, are fair and

- reasonable having regard to the incomes of the persons to be dispossessed,
- (ii) a plan describing the proposed street pattern and land use for the area, and the program for the construction or improvement in the area of municipal services, schools, parks, playgrounds, community buildings and other public facilities,
 - (iii) a description of the methods planned for municipal direction and control of the use of land in the area, including zoning, building controls and standards of occupancy of buildings in the area;
 - (iv) a description of the methods planned for the improvement, rehabilitation or replacement of privately owned facilities, including housing accommodation, that will continue in the area, and the techniques planned for retarding such facilities from becoming substandard, and
 - (v) the estimated costs of the scheme
- and that will be developed in accordance or in harmony with an official community plan.

Contributions
for prepara-
tion of an
urban
renewal
scheme.

23A. The Corporation may, with the approval of the Governor in Council, enter into an agreement with any province or municipality whereby the Corporation will contribute one-half of the cost of the preparation of an urban renewal scheme, including the cost of all economic, social and engineering research and planning necessary therefor.

Contributions
for imple-
menting
an urban
renewal
scheme.

23B. (1) Where an urban renewal scheme has been approved by the province in which the scheme is to be carried out and is acceptable to the Corporation, the Corporation may, with the approval of the Governor in Council, enter into an agreement with that province or with the municipality in which the scheme is to be carried out providing for the payment of contributions equal to one-half of the actual cost, as determined by the Corporation, of

- (a) acquiring and clearing lands and buildings in the urban renewal area, including costs of condemnation proceedings and the costs of disposing of lands so acquired and cleared;
- (b) installing municipal services or works, other than public buildings, in the urban renewal area; and
- (c) employing persons
 - (i) in connection with the acquisition and

clearance of land in the urban renewal area,

- (ii) to assist owners of property affected by the urban renewal scheme to adjust to the implementation of the scheme, and
- (iii) to assist the relocation of persons dispossessed of housing accommodation by the implementation of the urban renewal scheme.

(2) Every agreement entered into pursuant to subsection (1) shall provide that the province or municipality will pay to the Corporation

Payment to Corporation where land disposed of.

- (a) one-half of any moneys received from the sale, lease or other disposition of land in the urban renewal area in respect of which the Corporation has contributed towards the acquisition and clearance thereof; and
- (b) an amount equal to one-half of the value, as determined in the manner provided in the agreement, of land in the urban renewal area retained by the province or municipality for public purposes and in respect of which the Corporation has contributed towards the acquisition and clearance thereof.

23c. (1) In addition to the contributions made by the Corporation pursuant to sections 23A and 23B, the Corporation may, with the approval of the Governor in Council, make a loan to a province or municipality described in section 23B to assist in the implementation of those parts of an urban renewal scheme in respect of which the Corporation could, pursuant to paragraphs (a) to (c) of subsection (1) of section 23B, make a contribution.

Loans for urban renewal scheme.

(2) A loan made under the authority of this section shall

- (a) bear interest at a rate prescribed by the Governor in Council;
- (b) not exceed two-thirds of the actual cost, as determined by the Corporation, of implementing those parts of the urban renewal scheme referred to in subsection (1) after deducting therefrom all federal grants made or to be made in connection with that scheme;
- (c) be for a term not exceeding fifteen years;
- (d) be secured by debentures issued by the province or municipality; and
- (e) be repayable in full during the term thereof with interest payable not less frequently than annually.

Conditions under which loans may be made.

Loans for housing projects in urban renewal area insurable.

23D. (1) A loan made by an approved lender to the owner of a housing project located in an urban renewal area is insurable if

- (a) the housing project meets the requirements, or when repaired or improved will meet the requirements, of an urban renewal scheme acceptable to the Corporation for that area;
- (b) the housing project meets the housing standards prescribed by the Corporation;
- (c) the loan bears interest at a rate prescribed by the Governor in Council;
- (d) the loan does not exceed eighty-five per cent of the lending value, as determined by the Corporation, of the housing project or of the housing project as improved; and
- (e) the loan is secured by a first mortgage upon the housing project in a form prescribed by regulation and is repayable in equal monthly instalments of principal and interest over a term not exceeding the useful life of the housing project, as determined by the Corporation, and in any case not exceeding twenty-five years.

Insurance fee

(2) The insurance fee for a loan described in subsection (1) shall be two per cent of the amount of the approved loan or an instalment thereof, less the insurance fee component of the approved loan or the instalment thereof.

Fees to be paid to Mortgage Insurance Fund.

(3) All insurance fees received by the Corporation under this Part shall be paid into the Mortgage Insurance Fund established by the Corporation under subsection (1) of section 10.

Expenditures out of C.R.F.

23E. (1) The Minister, out of the Consolidated Revenue Fund,

- (a) may, upon terms and conditions approved by the Governor in Council, advance to the Corporation amounts required for the purpose of making loans under section 23c;
- (b) shall reimburse the Corporation for payments made by it as contributions under sections 23A and 23B and for losses sustained by it in respect of loans made under section 23c;
- (c) shall pay to the Corporation the money required by the Corporation to meet the Minister's obligations under an urban redevelopment agreement and the costs and expenses of the Corporation incurred by it in carrying out the Minister's responsibilities under such agreements; and

- (d) shall pay to the Corporation, pursuant to an agreement between the Corporation and the Minister, the costs and expenses of the Corporation incurred in the administration of sections 23A and 23B.

(2) In this section, "urban redevelopment agreement" means an agreement entered into by the Minister with a municipality pursuant to the provisions of section 23 of the *National Housing Act, 1954*, as in force immediately before the coming into force of this section.

"Urban redevelopment agreement" defined

(3) No advance, reimbursement or payment made under subsection (1) shall be greater than the amount by which the aggregate of

Limit on payment out of C.R.F

- (a) one hundred million dollars, and
- (b) any additional amounts authorized by Parliament for the purposes of this subsection exceeds the aggregate of
 - (c) the total amount of advances made pursuant to subsection (1),
 - (d) the total amount of reimbursements made pursuant to subsection (1), and
 - (e) the total amount of payments made pursuant to urban redevelopment agreements.

23F. The Governor in Council may make regulations respecting the manner in which costs are to be determined for the purposes of this Part and providing for such other matters as may be deemed necessary and desirable for carrying out the purposes and provisions of this Part."

Regulations

8. (1) Section 36 of the said Act is renumbered as section 35A.

1960 61, c 1 s 6

(2) The heading immediately preceding section 35A of the said Act is repealed and the following substituted therefor:

"PUBLIC HOUSING."

(3) Paragraphs (b) and (c) of subsection (1) of section 35A of the said Act are repealed and the following substituted therefor:

- "(b) the construction of housing projects or housing accommodation of the hostel or dormitory type for sale or for rent;
- (c) the acquisition, improvement and conversion of existing buildings for a housing project or for

housing accommodation of the hostel or dormitory type."

(4) Subsection (2) of section 35A of the said Act is repealed and the following substituted therefor:

Agreements
with
provinces.

"(2) The amount of the capital cost and the profits and losses to be borne by the Corporation pursuant to an agreement referred to in subsection (1) shall not exceed seventy-five per cent of such capital cost, profits and losses, and such agreement shall contain such other provisions as are considered necessary or advisable to give effect to the purposes and provisions of this section and, notwithstanding section 18 of the *Central Mortgage and Housing Corporation Act*, shall be executed on behalf of the Government of Canada by the Minister with the approval of the Governor in Council."

(5) Subsection (3) of section 35A of the said Act is amended by striking out the word "and" at the end of paragraph (a) thereof and by adding thereto the following paragraphs:

- "(c) shall reimburse the Corporation for payments made by the Corporation to public housing agencies, pursuant to agreements entered into under section 35E; and
- (d) shall pay to the Corporation, pursuant to an agreement between the Corporation and the Minister, the costs and expenses incurred by the Corporation in carrying out an agreement entered into under section 35E."

9. The said Act is further amended by adding thereto, immediately after section 35A thereof, the following sections:

Definitions.

"Public
housing
agency."

"35B. In this Part,

- (a) "public housing agency" means a corporation wholly owned by
 - (i) the government of a province or any agency thereof,
 - (ii) one or more municipalities in a province, or
 - (iii) the government of a province or an agency thereof and one or more municipalities in that province
 that has power to acquire and develop land for a public housing project or to construct or

acquire and operate a public housing project;
and

- (b) "public housing project" means a project, together with the land upon which it is situated, consisting of a housing project or housing accommodation of the hostel or dormitory type or any combination thereof, undertaken to provide decent, safe and sanitary housing accommodation in compliance with standards approved by the Corporation and intended to be leased to individuals or families of low income.

"Public housing project."

35c. (1) The Corporation may, with the approval of the Governor in Council, make a loan to a province, municipality or public housing agency for the purpose of assisting that province, municipality or agency to acquire and service land for public housing purposes.

Loans to acquire land for public housing purposes.

(2) A loan made under the authority of this section shall

Conditions under which loans may be made

- (a) bear interest at a rate prescribed by the Governor in Council;
- (b) not exceed ninety per cent of the cost of the acquisition and servicing of the land, as determined by the Corporation;
- (c) be secured by a first mortgage upon the project in favour of the Corporation;
- (d) be for a term not exceeding fifteen years; and
- (e) be repayable in full
 - (i) during the term thereof by equal payments of principal and interest not less frequently than annually, or
 - (ii) as the land is used or disposed of, by payment of an amount that is in proportion to the total amount of the loan as the land disposed of is to the total land in respect of which the loan was made.

35d. (1) The Corporation may, with the approval of the Governor in Council, make a loan to a province, municipality or public housing agency for the construction or acquisition of a public housing project.

Loans for the construction or acquisition of public housing project.

(2) A loan made under the authority of this section shall

Conditions of loan.

- (a) bear interest at a rate prescribed by the Governor in Council;
- (b) not exceed ninety per cent of the cost of the project as determined by the Corporation;
- (c) be for a term not exceeding the useful life of the project, to be fixed by the Corporation, and

- in any case not exceeding fifty years from the date of completion or acquisition of the project;
- (d) be secured by a first mortgage upon the project in favour of the Corporation; and
 - (e) be repayable in full
 - (i) during the term thereof by equal payments of principal and interest, not less frequently than annually, or
 - (ii) at such time during the term thereof as the project ceases to be operated as a public housing project or is sold in whole or in part on terms not acceptable to the Corporation.

Contributions
to public
housing
agencies
providing
low rental
accommoda-
tion.

35E. (1) The Corporation may, with the approval of the Governor in Council, enter into an agreement with any province, municipality or public housing agency operating a public housing project whereby the Corporation will make contributions for the purpose of assisting it to provide housing accommodation to individuals or families of low income at rentals that are less than the rentals required to meet the cost of amortizing and operating the public housing project.

Terms of
agreement.

(2) An agreement entered into under the authority of this section shall provide that

- (a) the Corporation will contribute annually to the province, municipality or public housing agency an amount calculated in the manner provided in the agreement, and in any case not exceeding fifty per cent of the annual operating losses incurred by it, as determined by the Corporation;
- (b) the contributions shall be made for a period not exceeding the useful life of the project as fixed by the Corporation, and in any case not exceeding fifty years from the date of completion of the project;
- (c) the accommodation will be rented to individuals or families of low income at rental rates that are within the limits set forth in the agreement; and
- (d) the Corporation shall have the right, in the event of the province, municipality or public housing agency failing to maintain the project as a public housing project, to discontinue its contributions.

Regulations
by Governor
in Council

36. The Governor in Council may make regulations prescribing anything that is required in this Part

to be prescribed and, generally, for providing for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes and provisions of this Part."

10. Section 36A of the said Act is repealed and the following substituted therefor: 1960-61, c. 1, s. 7

"36A. In this Part,

(a) "charitable corporation" means a corporation constituted exclusively for charitable purposes no part of the income of which is payable to or is otherwise available for the personal benefit of any proprietor, member or shareholder thereof; and

(b) "university housing project" means a project undertaken to provide university students and their families with housing accommodation of the hostel or dormitory type or in the form of a housing project, including such other facilities in connection therewith as are, in the opinion of the Corporation, necessary for the operation of the project."

Definitions

"charitable corporation."

"University housing project."

11. Subsection (1) of section 36B of the said Act is repealed and the following substituted therefor: 1960-61, c. 1, s. 7.

"36B. (1) The Corporation may, with the approval of the Governor in Council, make a loan to a university, a cooperative association or a charitable corporation for the purpose of assisting in the construction of a university housing project or the acquisition of existing buildings and their conversion into a university housing project."

Loans for university housing projects.

12. All that portion of subsection (2) of section 36c of the said Act, preceding paragraph (a) thereof, is repealed and the following substituted therefor: 1960-61, c. 61, s. 3

"(2) The amount of an advance or reimbursement under subsection (1) shall not be greater than the amount by which one hundred and fifty million dollars exceeds the aggregate of"

Expenditures paid out of C.R.F.

13. (1) Subsection (1) of section 36F of the said Act is repealed and the following substituted therefor: 1960-61, c. 1, s. 7

"36F. (1) In order to assist in the elimination or prevention of water and soil pollution the Corporation may, with the approval of the Governor in Council,

Loans for sewage treatment projects.

make a loan to any province, municipality or municipal sewerage corporation for the purpose of assisting in the construction or expansion of a sewage treatment project."

1960-61,
c. 1, s. 7.

(2) Paragraphs (d) and (e) of subsection (2) of section 36F of the said Act are repealed and the following substituted therefor:

"(d) be secured by debentures issued by the borrower or by such other security as the Corporation deems necessary to safeguard the interests of the Corporation; and

(e) subject to section 36G, be repayable during the term thereof by such payments of principal and interest as may be agreed upon by the Corporation and the borrower, such payments to be not less frequent than annually."

1960-61,
c. 1, s. 7.

(3) Subsection (3) of section 36F of the said Act is repealed and the following substituted therefor:

Idem

"(3) A loan may only be made under this section if evidence satisfactory to the Corporation has been furnished as to the need for the construction or expansion of the sewage treatment project for which the loan is sought."

1962-63,
c. 17, s. 1

14. (1) All that portion of subsection (1) of section 36G preceding paragraph (a) thereof is repealed and the following substituted therefor:

Reduction of
indebtedness
where project
completed on
or before
March 31,
1967.

"**36G.** (1) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is completed to the satisfaction of the Corporation on or before the 31st day of March, 1967, the Corporation may forgive payment by the borrower of"

1962-63,
c. 17, s. 1.

(2) Subsection (2) of section 36G of the said Act is repealed and the following substituted therefor:

Reduction in
indebtedness
where project
completed
after March
31, 1967

"(2) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is not completed on or before the 31st day of March, 1967, the Corporation may forgive payment by the borrower of

(a) 25% of that portion of the principal amount of the loan that has been advanced to the

borrower as of the 31st day of March, 1967;
and

- (b) 25% of the interest that has accrued as of the 31st day of March, 1967, on the portion of the loan referred to in paragraph (a)."

15. Paragraph (c) of subsection (1) of section 36H of the said Act is repealed and the following substituted therefor: 1960-61,
c. 1, s. 7.

"(c) shall reimburse the Corporation for amounts loaned and forgiven by it pursuant to section 36G;"

16. Subsections (1) and (2) of section 40 of the said Act are repealed and the following substituted therefor:

"**40.** (1) Where in the opinion of the Corporation a loan is not being made available to a person pursuant to Part I or section 15 or 23D, the Corporation may make such a loan on the same terms and conditions and subject to the same limitations as those upon which a loan may be made to such person under the provisions of Part I or section 15 or 23D. Where loans
not available
Corporation
may lend.

(2) When the Corporation makes a loan under this section pursuant to the provisions of Part I or section 23D, it shall collect from the borrower an insurance fee in the same amount as an approved lender would collect from the borrower if the loan were made by an approved lender." Insurance

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP 16

An Act to authorize the Construction and Maintenance of a Bridge across the St. Lawrence River between the City of Ste-Foy, in the County of Quebec, and the Municipality of St-Nicolas, in the County of Levis, both in the Province of Quebec.

[Assented to 18th June, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Ste-Foy-St-Nicolas Bridge Act*. Short title

2. Subject to this Act, the Province of Quebec (hereinafter referred to as "the Province") is hereby authorized to construct and maintain a bridge and approaches and other works ancillary thereto for the use and passage of persons, vehicles and goods across and over the St. Lawrence River from a point at or near the City of Ste-Foy, in the County of Quebec, in the Province of Quebec, to a point at or near the Municipality of St-Nicolas, in the County of Levis, in the Province of Quebec. Construction of bridge authorized.

3. (1) The bridge described in section 2 and the works ancillary thereto shall be constructed and maintained in accordance with and subject to such regulations for the safeguarding of navigation on the St. Lawrence River as the Governor in Council may prescribe and, for that purpose, the Province shall, before commencing the construction of the bridge or ancillary works, submit to the Governor in Council for examination and approval plans and drawings thereof and a map of their proposed locations, indicating accurately all relevant soundings and showing the bed of the stream and the location of all other bridges in the area, Plans and drawings to be submitted.

and furnish to the Governor in Council such other information as is required for a full and satisfactory understanding of the project.

Approval of
plans and
drawings
prior to com-
mencement.

(2) Construction of the bridge or works ancillary thereto shall not be commenced until such time as the plans and drawings referred to in subsection (1) and the location of the bridge and ancillary works have been approved by the Governor in Council, and no material change in such plans or drawings, or in the location of the bridge or ancillary works shall be made after the commencement of construction thereof except with the approval of the Governor in Council.

Regulations.

4. (1) The Governor in Council may, in addition to any regulations authorized by section 3, make such regulations in relation to the bridge described in section 2 and the works ancillary thereto as he deems necessary for navigation purposes.

Compliance

(2) All persons affected by any regulation made under the authority of this Act shall comply therewith.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 17

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1965.

[Assented to 30th June, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1965, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 6, 1964*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole four hundred and sixty-nine million, three hundred and eighty thousand, four hundred and twenty-one dollars and twenty-six cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1964 to the 31st day of March, 1965, not otherwise provided for, and being the aggregate of

\$469,308,421.26
granted for
1964-65.

- (a) one-twelfth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1965, as laid before the House of Commons at the present session of Parliament. . \$329,299,209.25;

- (b) one-twelfth of the amounts of the items in the said Main Estimates set forth in Schedule A\$2,259,116.67;
- (c) four-twelfths of the amounts of the items in the Supplementary Estimates (A) for the fiscal year ending the 31st day of March, 1965, as laid before the House of Commons at the present session of Parliament. . \$134,897,245.34;
- (d) seven-twelfths of the amount of the item in the said Supplementary Estimates (A) set forth in Schedule B.....\$2,625,000.00:
- (e) two-twelfths of the amount of the item in the said Supplementary Estimates (A) set forth in Schedule C.....\$227,850.00.

Purpose and
effect of
each item

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commit-
ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to
be rendered
R.S., c. 116

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$2,259,116.67, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | RESEARCH | | |
| 5 | Administration, Operation and Maintenance including Canada's fee for membership in the International Society for Horticultural Science, an amount of \$145,000 for grants in aid of agricultural research in universities and other scientific organizations in Canada and the costs of publishing departmental research papers as supplements to the "Canadian Entomologist" | 24,609,400 | |
| | PRIVY COUNCIL | | |
| | CENTENNIAL COMMISSION | | |
| 25 | Programs and projects of national significance including grants towards such programs and projects | 2,500,000 | *27,109,400 |

* Net total \$2,259,116.67.

SCHEDULE B.

Based on the Supplementary Estimates (A), 1964-65. The amount hereby granted is \$2,625,000.00, being seven-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purpose for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|------------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | TRADE AND COMMERCE | | |
| L37a | Acquisition of uranium concentrates in accordance with the contracts entered into with the approval of the Governor in Council by Eldorado Mining and Refining Ltd., on behalf of Her Majesty the Queen in right of Canada with Rio Algom Mines Ltd., Denison Mines Limited and Faraday Uranium Mines Ltd.; and to provide for the costs of stock-piling uranium concentrates purchased under the said contracts..... | | *4,500,000 |

* Net total \$2,625,000.00.

SCHEDULE C.

Based on the Supplementary Estimates (A), 1964-65. The amount hereby granted is \$227,850.00, being two-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|------------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | EXTERNAL AFFAIRS | | |
| L12a | Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India..... | | *1,367,100 |

* Net total \$227,850.00.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 18

An Act to amend the Export Credits Insurance Act.

[Assented to 30th June, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 105;
1953-54, c. 15;
1957, c. 8;
1957-58, c. 15;
1959, c. 24;
1960-61, c. 33;
1962, c. 14;
1962-63, c. 2.

1. The *Export Credits Insurance Act* is amended by adding thereto, immediately after section 10 thereof, the following section:

“10A. Section 84 of the *Income Tax Act* does not apply to the Corporation in respect of the 1964 and subsequent taxation years.”

Exemption
from income
tax.

2. Section 11A of the said Act is repealed.

1957, c. 8,
s. 2.

3. Section 13 of the said Act is repealed and the following substituted therefor:

1957, c. 8,
s. 3.

“13. (1) In this section,

Definitions.

(a) “affiliated importer” means, in relation to an exporter, an importer that is a corporation

“Affiliated
importer.”

(i) directly or indirectly controlled by the exporter,

(ii) directly or indirectly controlling the exporter, or

(iii) directly or indirectly controlled by a person who directly or indirectly controls the exporter;

(b) “exporter” means a person carrying on business in Canada;

“Exporter.”

(c) “importer” means a person carrying on business or other activities outside Canada; and

“Importer.”

"Trans-
action."

- (d) "transaction" means a transaction involving the export, manufacture, treatment or distribution of goods or the rendering of engineering, construction, technical or similar services.

Contract of
insurance
with an
exporter.

(2) For the purpose of facilitating and developing trade between Canada and any other country, the Corporation may enter into a contract of insurance with an exporter to insure him against any risk of loss

- (a) by reason of the failure of the exporter, for any cause not avoidable by him or his affiliated importer, if any, to recover any amount payable to the exporter under or in respect of a transaction entered into between him and an importer;
- (b) by reason of the exporter's being deprived, for any cause not avoidable by him, of the use or ownership of any property employed or to be employed by him outside Canada in the rendering of services under a transaction entered into between him and an importer; or
- (c) from any cause not avoidable by him, arising out of the shipment of goods from Canada for exhibition purposes or on consignment for sale.

Presumptions
concerning
affiliated
importer.

(3) For the purposes of paragraph (a) of subsection (2) a transaction between an importer and the affiliated importer of an exporter may be deemed a transaction between such importer and the exporter, and any amount payable to the affiliated importer under or in respect of the transaction may be deemed to be payable to the exporter.

Definitions.

"Export
credits
insurer."

13A. (1) In this section,

- (a) "export credits insurer" means any corporation, commission, board, agency or body incorporated or established in a country other than Canada and competent under the laws of that other country to enter into a guarantee, contract of indemnity or similar undertaking with a foreign exporter whereby such foreign exporter would be indemnified against loss in respect of a transaction between such foreign exporter and a foreign importer that involves the export of goods or the rendering of services;
- (b) "foreign exporter" means a person carrying on business in the country in which the export credits insurer is incorporated or established; and

"Foreign
exporter."

- (c) "foreign importer" means a person carrying on business or other activities in a country other than Canada or the country in which the export credits insurer is incorporated or established. "Foreign importer."

(2) For the purposes of facilitating and developing trade between Canada and any other country, the Corporation may

Contract of insurance with an export credits insurer.

- (a) enter into a contract of insurance with an export credits insurer whereby the Corporation will undertake to insure the export credits insurer against liability to a foreign exporter; and

- (b) enter into an agreement with an export credits insurer whereby such insurer will undertake to insure the Corporation against liability under a contract of insurance entered into under section 13 or section 21.

Re-insurance agreement.

13B. (1) The Corporation may, at the request of the Minister of Finance, act as his agent in respect of any matter arising under Part II.

Agent of Minister of Finance.

(2) The Corporation may do all such things as may be incidental to or consequential upon the exercise of its powers.

Incidental powers.

13C. The Board may, subject to this Act or any by-law, determine the terms and conditions upon which the Corporation will enter into any contract of insurance."

Terms of contract

4. Subsection (3) of section 21 of the said Act is repealed and the following substituted therefor:

1962-63, c. 2, s. 2.

"(3) The liability of the Corporation under contracts of insurance entered into under this section and outstanding shall not at any time exceed six hundred million dollars and shall not be included in the liability of the Corporation for the purposes of section 14."

Limit of liability.

5. (1) Paragraph (a) of subsection (1) of section 21A of the said Act is repealed and the following substituted therefor:

1960-61, c. 33, s. 2(1).

"(a) "export transaction" means a transaction within the meaning of section 13;"

"Export transaction."

1962-63, c. 2,
s. 3(1).

(2) Paragraphs (a) to (c) of subsection (2) of section 21A of the said Act are repealed and the following substituted therefor:

- “(a) in respect of an export transaction, lend money to an importer upon the security of an instrument;
- (b) guarantee, by an appropriate endorsement or otherwise, the payment of an instrument made or accepted by an importer under or in respect of an export transaction;
- (c) purchase
 - (i) a guaranteed instrument, or
 - (ii) any instrument or any interest in an instrument disposed of by the Corporation pursuant to paragraph (e);”

1962-63, c. 2,
s. 3(1).

(3) Paragraph (e) of subsection (2) of section 21A of the said Act is repealed and the following substituted therefor:

- “(e) negotiate, sell or otherwise dispose of a guaranteed instrument, an instrument made payable to the Corporation, or an interest in any such instrument.”

1959, c. 24,
s. 5.

(4) Paragraph (b) of subsection (3) of section 21A of the said Act is repealed and the following substituted therefor:

- “(b) the purchase of an instrument or an interest in an instrument, or”

1962-63, c. 2,
s. 3(3).

(5) Subsection (4) of section 21A of the said Act is repealed and the following substituted therefor:

Limit of
liability of
importers.

“(4) The liability of importers under all outstanding guaranteed instruments and instruments made payable to the Corporation shall not at any time exceed four hundred million dollars.”

1962-63, c. 2,
s. 3(4).

(6) Paragraph (b) of subsection (6) of section 21A of the said Act is repealed and the following substituted therefor:

- “(b) from the negotiation, sale or other disposition of an instrument or an interest in an instrument; or”

13 ELIZABETH II.

CHAP. 19

An Act respecting the Commission established to administer the Roosevelt Campobello International Park.

[Assented to 30th June, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Roosevelt Campobello International Park Commission Act*. Short title.

INTERPRETATION.

- 2.** In this Act,
- | | | |
|-----|---|------------------------------|
| (a) | "Agreement" means the Agreement between the Government of the United States of America and the Government of Canada relating to the establishment of the Roosevelt Campobello International Park Commission set out in the Schedule hereto; | Definitions. "Agreement." |
| (b) | "Commission" means the Roosevelt Campobello International Park Commission established pursuant to the Agreement; | "Commission." |
| (c) | "Minister" means the Secretary of State for External Affairs; and | "Minister." |
| (d) | "Park" means the Roosevelt Campobello International Park at Campobello, New Brunswick. | "Park." |

POWERS AND EXEMPTIONS OF THE COMMISSION.

3. The Commission has in Canada the legal powers and capacities of a body corporate, including those set out in section 30 of the *Interpretation Act*. Powers of Commission.

Property of
Commission
exempt from
attachment,
etc

4. All property of the Commission in Canada is exempt from attachment, seizure or execution under any writ or order of any court, or of a judge of any court, established by Parliament.

Commission
exempt from
customs or
excise
duties

5. No duty or tax payable under any Act of Parliament relating to customs or excise is payable on any property imported into Canada by the Commission for use in connection with the Park.

Commission
charitable
organization.

6. The Commission shall be deemed to be a charitable organization in Canada

(a) as described in paragraph (e) of subsection (1) of section 62 of the *Income Tax Act*, for the purposes of that Act; and

(b) as described in subparagraph (i) of paragraph (d) of subsection (1) of section 7 of the *Estate Tax Act*, for the purposes of that Act.

REPORT TO PARLIAMENT.

Report to
Parliament.

7. The Commission shall, within three months after the termination of each year, submit to the Minister a report of the affairs of the Commission for that year, including the financial statement of the Commission and the report of its auditors thereon, and the Minister shall cause the report to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

COMING INTO FORCE.

Coming
into force.

8. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

SCHEDULE.

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA RELATING TO THE ESTABLISHMENT OF THE ROOSEVELT CAMPOBELLO INTERNATIONAL PARK.

THE GOVERNMENTS OF CANADA AND THE UNITED STATES OF AMERICA

Noting the generous offer by the Hammer family of the summer home of President Franklin Delano Roosevelt on Campobello Island, New Brunswick, Canada, with the intention that it be opened to the general public as a memorial to President Roosevelt, and the acceptance in principle of this offer by Prime Minister Lester B. Pearson and President John F. Kennedy at Hyannis Port in May 1963; and

Recognizing the many intimate associations of President Roosevelt with the summer home on Campobello Island; and

Desiring to take advantage of this unique opportunity to symbolize the close and neighbourly relations between the peoples of Canada and the United States of America by the utilization of the gift to establish a Canadian-United States memorial park;

Agree as follows:

ARTICLE 1.

There shall be established a joint Canadian-United States commission, to be called the "Roosevelt Campobello International Park Commission", which shall have as its functions:

- (a) to accept title from the Hammer family to the former Roosevelt estate comprising the Roosevelt home and other grounds on Campobello Island;
- (b) to take the necessary measures to restore the Roosevelt home as closely as possible to its condition when it was occupied by President Roosevelt;
- (c) to administer as a memorial the "Roosevelt Campobello International Park" comprising the Roosevelt estate and such other lands as may be acquired.

ARTICLE 2.

The Commission shall have juridical personality and all powers and capacity necessary or appropriate for the purpose of performing its functions under this Agreement including, but not by way of limitation, the following powers and capacity:

- (a) to acquire and dispose of personal and real property, excepting the power to dispose of the Roosevelt home and the tract of land on which it is located;
- (b) to enter into contracts;
- (c) to sue or be sued in either Canada or the United States;
- (d) to appoint a staff, including an Executive Secretary who shall act as secretary at meetings of the Commission, and to fix the terms and conditions of their employment and remuneration;
- (e) to delegate to the Executive Secretary or other officials such authority respecting the employment and direction of staff and the other responsibilities of the Commission as it deems desirable and appropriate;
- (f) to adopt such rules of procedure as it deems desirable to enable it to perform the functions set forth in this Agreement;
- (g) to charge admission fees for entrance to the Park should the Commission consider such fees desirable; however, such fees shall be set at a level which will make the facilities readily available to visitors;
- (h) to grant concessions if deemed desirable;
- (i) to accept donations, bequests or devises intended for furthering the functions of the Commission and to use such donations, bequests or devises as may be provided in the terms thereof.

ARTICLE 3.

The Commission shall consist of six members, of whom three shall be appointed by the Government of Canada and three appointed by the Government of the United States. One of the Canadian members shall be nominated by the Government of New Brunswick and one of the United States members shall be nominated by the Government of Maine. Alternates may be appointed for each member of the Commission in the same manner as the members. The Commission shall elect a chairman and a vice-chairman from among its members, each

of whom shall hold office for a term of two years, in such a manner that members of the same nationality shall never simultaneously serve as chairman and vice-chairman. The chairmanship shall alternate between members of Canadian nationality and United States nationality every two years. A quorum shall consist of at least four members of the Commission or their alternates, including always two from Canada and two from the United States. The affirmative vote of at least two Canadian and two United States members or their respective alternates shall be required for any decision to be taken by the Commission.

ARTICLE 4.

The Commission may employ both Canadian and United States citizens. Their employment shall be subject to the relevant Canadian labour and other laws, and the Government of Canada agrees to take such measures as may be necessary to permit United States citizens to accept employment with the Commission on a similar basis to Canadian citizens.

ARTICLE 5.

The Commission shall maintain insurance in reasonable amounts, including, but not limited to, liability and property insurance.

ARTICLE 6.

The Commission shall hold at least one meeting every calendar year and shall submit an annual report to the Canadian and United States Governments on or before March 31 of each year, including a general statement of the operations for the previous year and an audited statement of the financial operations of the Commission. The Commission shall permit inspection of its records by the accounting agencies of both Governments.

ARTICLE 7.

All property belonging to the Commission shall be exempt from attachment, execution, or other processes for satisfaction of claims, debts or judgments.

ARTICLE 8.

The Commission shall not be subject to Federal, State, Provincial or local taxation in Canada or the United States on any real or personal

property held by it or on any gift, bequest or devise to it of any personal or real property, or on its income, whether from Governmental appropriations, admission fees, concessions or donations. All personal property imported or introduced into Canada by the Commission for use in connection with the Park shall be free from customs duties. Further consideration shall be given to granting exemption from other taxes the imposition of which would be inconsistent with the functioning of the Commission.

ARTICLE 9.

Arrangements may be made with the competent agencies of Canada and the United States for rendering, without reimbursement, such services as the Commission may request for the orderly development, maintenance and operation of the Park.

ARTICLE 10.

The Commission shall take appropriate measures to emphasize the international nature of the Park.

ARTICLE 11.

1. The Governments of Canada and the United States shall share equally the costs of developing the Roosevelt Campobello International Park and the annual cost of operating and maintaining the Park.

2. Any revenues derived from admission fees or concession operations of the Commission shall be transmitted in equal shares to the two Governments within 60 days of the end of the Commission's fiscal year. Other funds received by the Commission may be used to further the purposes of the Commission, in accordance with the provisions of this Agreement.

3. The Commission shall submit annually to the Canadian and United States Governments a budget covering total anticipated expenditures to be financed from all sources, and shall conduct its operations in accordance with the budget as approved by the two Governments.

4. The Commissioners shall receive no remuneration from the Commission; however, they may be paid reasonable per diem and travel expenses by the Commission.

ARTICLE 12.

This Agreement requires implementation by legislation in each country; it shall come into effect after the enactment of such legislation on a date to be fixed by an exchange of notes between the two Governments.

Done in duplicate at Washington, this 22nd day of January, 1964.

FOR THE GOVERNMENT OF
CANADA:

(Sgd.) LESTER B. PEARSON

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

(Sgd.) LYNDON B. JOHNSON
1/22/64
Washington, D.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 20

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1965.

[Assented to 16th July, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1965, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 7, 1964*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one hundred and eighty-three million, four hundred and thirty-three thousand dollars and sixty-seven cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1964 to the 31st day of March, 1965, not otherwise provided for, and being the total of the amounts of the items set forth in the Supplementary Estimates (A) for the fiscal year ending the 31st day of March, 1965, as contained in the Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 6, 1964*.

\$183,433,000.67
granted for
1964-65.

Purpose and
effect of
each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1964.

Commit-
ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to
be rendered.
R.S., c. 116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE.

Based on the Supplementary Estimates (A), 1964-65. The amount hereby granted is \$183,433,000.67 being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 6, 1964*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|--------|--------------|
| | | \$ | \$ |
| | NATIONAL DEFENCE | | |
| | PENSIONS AND OTHER BENEFITS | | |
| 56a | To authorize the Governor in Council to prescribe the circumstances under which a contributor who, having served in the Forces for ten or more years, is compulsorily retired from the Forces before reaching retirement age during the period commencing on the 7th day of May, 1964, and ending two years thereafter, due to a reduction in the total number of members of the Forces, shall be deemed, for the purposes of subsection (3) of section 10 of the Canadian Forces Superannuation Act, to have served in the Forces for twenty or more years..... | | 1 |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | FINANCE | | |
| L17a | To provide for and authorize the purchase out of United States dollars paid to Canada, pursuant to the Treaty between Canada and the United States of America relating to co-operative development of the water resources of the Columbia River Basin, together with any Protocol or Exchange of Notes relating thereto, of such obligations of the Government of the United States as may be approved by the Governor in Council, and the subsequent disposition of such obligations; the amount which may be expended for such purchase not to exceed \$254,400,000 U.S. notwithstanding that this amount may exceed or fall short of the equivalent in Canadian dollars, estimated as of May, 1964, which is..... | | 275,149,500 |
| | | | *275,149,501 |

*Net total \$183,433,000.67.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 21

An Act to amend the National Defence Act.

[Assented to 16th July, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The heading preceding section 19 and section 19 of the *National Defence Act* are repealed and the following substituted therefor:

"CHIEF OF THE DEFENCE STAFF.

19. (1) The Governor in Council may appoint an officer to be the Chief of the Defence Staff, who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Canadian Forces.

(2) Unless the Governor in Council otherwise directs, all orders and instructions to the Canadian Forces that are required to give effect to the decisions and to carry out the directions of the Government of Canada, or the Minister, shall be issued by or through the Chief of the Defence Staff."

Duties of
Chief of the
Defence
Staff.

Responsi-
bility and
channels of
commu-
nication.

2. (1) Subsections (1) to (4) of section 39 of the said Act are repealed and the following substituted therefor:

"39. (1) The non-public property of a unit or other element of the Canadian Forces shall vest in the officer from time to time in command of that unit or other element, and shall be used for the benefit of officers and men or for any other purpose approved by the Chief of the Defence Staff in the manner and to the extent authorized by him.

Non-public
property of
units.

Non-public
property of
disbanded
units.

(2) The non-public property of every disbanded unit or other disbanded element of the Canadian Forces, vested in the officer in command of that unit or other element shall pass to and vest in the Chief of the Defence Staff, and may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants, of the Service of the Canadian Forces in which that unit or other element was comprised.

Non-public
property of
units in
altered
circum-
stances.

(3) Where, by reason of a substantial reduction in the number of officers and men serving in a unit or other element of the Canadian Forces or by reason of a change in the location or other conditions of service of a unit or other element, the Chief of the Defence Staff considers it desirable so to do, he may direct that the non-public property or any part thereof that is vested in the officer in command of that unit or other element shall pass to and be vested in the Chief of the Defence Staff upon the terms set out in subsection (2).

Other
non-public
property.

(4) Non-public property acquired by contribution but not contributed to any specific unit or other element of the Canadian Forces shall vest in the Chief of the Defence Staff and, subject to any specific directions by the contributor as to its disposal, may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants, of that Service of the Canadian Forces to which the non-public property was contributed."

(2) Subsection (6) of section 39 of the said Act is repealed and the following substituted therefor:

Alienation
of non-public
property.

"(6) Except as authorized by the Chief of the Defence Staff, no gift, sale or other alienation or attempted alienation of non-public property is effectual to pass the property therein."

(3) Subsection (8) of section 39 of the said Act is repealed and the following substituted therefor:

Exercise of
authority.

"(8) The Chief of the Defence Staff shall exercise his authority under subsections (1), (2) and (4) subject to any directions that may be given to him by the Minister for carrying the purposes and provisions of this section into effect."

3. (1) Subsection (2) of section 53 of the said Act is repealed and the following substituted therefor:

“(2) The Defence Research Board consists of a Chairman and a Vice-Chairman, appointed by the Governor in Council, and Constitution.

- (a) the President of the Honorary Advisory Council for Scientific and Industrial Research;
- (b) the Deputy Minister of National Defence;
- (c) such members as may be appointed by the Minister, as *ex officio* members representing the Canadian Forces; and
- (d) such additional members representative of universities, industry and other research interests as the Governor in Council appoints.”

(2) Subsection (8) of section 53 of the said Act is repealed.

4. Subsection (1) of section 183A of the said Act is repealed and the following substituted therefor: 1952-53, c. 24, s. 5(2).

“**183A.** (1) A person who has been found guilty of an offence by a civil court in Canada, or by a civil or military tribunal of any country other than Canada, and sentenced to a term of incarceration may, with the approval of the Chief of the Defence Staff, or some officer designated by him, be transferred to the custody of the appropriate civil or military authorities of Canada for incarceration under this Act, and any person so transferred may, in lieu of the incarceration to which he was sentenced, be imprisoned or detained for the term or the remainder of the term of incarceration to which he was sentenced as though he had been sentenced for that term by a service tribunal, and the provisions of this Part are applicable in respect of every person so transferred as though he had been so sentenced.” Transfer of offenders.

5. Subsection (2) of section 189 of the said Act is repealed and the following substituted therefor: 1959, c. 5, s. 6(1).

“(2) Where an appeal relates to the legality of the findings, as mentioned in paragraph (b) of section 186, the Statement of Appeal shall be referred by the Judge Advocate General to the Court Martial Appeal Court provided for in this Part, unless the Chief of the Defence Staff, acting on the certificate of the Judge Advocate General that all of the findings in respect of which an appeal has been made are illegal, quashes such findings.” Illegal findings.

6. Section 198 of the said Act is repealed and the following substituted therefor:

Procedure
where
illegality
exists.

"198. Where, upon the review mentioned in section 197, the Judge Advocate General certifies that any finding or punishment is illegal, he shall refer the minutes of the proceedings of the court martial to the Chief of the Defence Staff for such action under this Act as he may deem fit."

7. Subsection (3) of section 199 of the said Act is repealed and the following substituted therefor:

Disposal.

"(3) Every petition under this section shall be forwarded to the Judge Advocate General who shall refer the petition with his recommendation to the Chief of the Defence Staff who, if he is of the opinion that the petition should be granted, shall order a new trial, in which case the petitioner shall be tried again as if no trial had been held."

8. Subsections (2) and (3) of section 222 of the said Act are repealed and the following substituted therefor:

Call out of
Canadian
Army
in other
commands.

"(2) Where the Officer Commanding a Command mentioned in subsection (1) considers that the services of parts of the Canadian Army in commands other than his command are necessary or desirable for the purpose of suppressing or preventing the riot or disturbance mentioned in the requisition, he shall notify the Chief of the Defence Staff of the number of officers and men, and of the materiel therefor, that he requires, as to which the Officer Commanding a Command is the sole judge; and upon being so notified the Chief of the Defence Staff may call out such parts of the Canadian Army and provide such materiel as in his judgment are available to meet the requirements of the Officer Commanding a Command and shall cause them to be despatched to the Officer Commanding a Command.

Call out of
navy and air
force.

(3) Where the Officer Commanding a Command mentioned in subsection (1) has called out or caused to be called out any part of the Canadian Army in aid of the civil power, and considers that the services of any part of the Royal Canadian Navy or of the Royal Canadian Air Force are necessary or desirable for the purpose of assisting that part of the Canadian Army so called out, he shall notify the Chief of the Defence Staff of the nature and extent of the assistance from the Royal Canadian Navy or from the Royal Canadian Air Force that in the circumstances he requires;

and upon being so notified the Chief of the Defence Staff may call out such part of the Royal Canadian Navy or of the Royal Canadian Air Force, and materiel therefor, as the Chief of the Defence Staff considers necessary or desirable for the purpose of meeting the request."

9. Section 226 of the said Act is repealed and the following substituted therefor:

"**226.** The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty in such strength as the Officer Commanding a Command, who has carried into effect a requisition of an Attorney-General made under this Part, deems necessary or orders, until notification is received from the Attorney-General that the Canadian Forces are no longer required in aid of the civil power; and the Officer Commanding a Command may, from time to time as in his opinion the exigencies of the situation require, increase or diminish the number of officers and men called out; except that officers and men of the Royal Canadian Navy and the Royal Canadian Air Force called out to assist the Canadian Army in aid of the civil power may be withdrawn at such time and to such extent as the Chief of the Defence Staff, under the direction of the Minister, may order."

**Duration of
aid of civil
power.**

10. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

**Commence-
ment.**

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 22

An Act respecting the Territorial Sea and Fishing Zones of Canada.

[Assented to 16th July, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Territorial Sea and Fishing Zones Act*. Short title.

PART I.

GENERAL.

2. Every provision of this Act extends and applies to every Act of the Parliament of Canada, now or hereafter passed, and to every order, rule or regulation thereunder, except in so far as any such provision is inconsistent with the intent or object of such Act, order, rule or regulation, or would give to any word, expression or clause thereof an interpretation repugnant to the subject matter or the context, or is, in any such Act, order, rule or regulation, declared not applicable thereto. Applies to Acts of Parliament, regulations, etc.

3. (1) Subject to any exceptions under section 5, the territorial sea of Canada comprises those areas of the sea having, as their inner limits, the baselines described in section 5 and, as their outer limits, lines measured seaward and equidistant from such baselines so that each point of the outer limit line of the territorial sea is distant three nautical miles from the nearest point of the baseline. Territorial sea.

Internal waters include certain sea areas.

(2) The internal waters of Canada include any areas of the sea that are on the landward side of the base-lines of the territorial sea of Canada.

Fishing zones.

4. (1) Subject to any exceptions under section 5, the fishing zones of Canada comprise those areas of the sea contiguous to the territorial sea of Canada and having, as their inner limits, the outer limits of the territorial sea and, as their outer limits, lines measured seaward and equidistant from such inner limits so that each point of the outer limit line of a fishing zone is distant nine nautical miles from the nearest point of the inner limit line.

Fisheries laws of Canada apply to fishing zones.

(2) Unless otherwise specified therein, the laws of Canada respecting fishing and the exploitation of the living resources of the sea apply to the fishing zones of Canada in the same way and to the same extent as they apply to the territorial sea of Canada.

Lists of geographical co-ordinates.

5. (1) The Governor in Council may, by order in council, issue one or more lists of geographical co-ordinates of points from which baselines may be determined and may, as he deems necessary, amend such lists.

Baselines where co-ordinates listed.

(2) In respect of any area for which geographical co-ordinates of points have been listed in a list issued pursuant to subsection (1) and subject to any exceptions in the list for the use of the low water line along the coast as the baseline between given points, baselines are straight lines joining the consecutive geographical co-ordinates of points so listed.

Baselines in other area.

(3) In respect of any other area and until such time as geographical co-ordinates of points have, for such other area, been listed in a list issued pursuant to subsection (1), baselines remain those applicable immediately before the coming into force of this section.

Substitution of outer limit lines in certain cases.

(4) Where, in his opinion, a portion of the territorial sea of Canada or a portion of the fishing zones of Canada, determined, respectively, in accordance with subsection (1) of section 3 or subsection (1) of section 4, would conflict with the territorial sea of a country other than Canada or would be unreasonably close to the coast of a country other than Canada, the Governor in Council may, by order in council, issue a list of geographical co-ordinates of points from which,

(a) in respect of the portion of the territorial sea of Canada designated in the list, an outer limit line may be determined in substitution for the territorial sea outer limit line described in subsection (1) of section 3, and

- (b) in respect of the portion of the fishing zones of Canada designated in the list, an outer limit line may be determined in substitution for the fishing zone outer limit line described in subsection (1) of section 4,

and the outer limit lines referred to in paragraphs (a) and (b) shall, thereupon, be substituted.

(5) Where an outer limit line of a portion of the territorial sea of Canada has been substituted pursuant to subsection (4) of this section, section 4 shall not apply to create a contiguous fishing zone in respect of such portion.

No fishing zone in certain cases.

6. The Minister of Mines and Technical Surveys may cause charts to be issued delineating the territorial sea of Canada and the fishing zones of Canada or of any portions thereof as may be delineated consistent with the nature and scale of the chart.

Issue of charts.

PART II.

CONSEQUENTIAL AMENDMENTS.

Aeronautics Act.

7. (1) Paragraphs (k) and (l) of section 3 of the *Aeronautics Act* are repealed and the following substituted therefor:

R.S., cc. 2, 302.

- “(k) to investigate, examine and report on the operation and development of commercial air services within or partly within Canada, including the territorial sea of Canada and all waters on the landward side thereof;
- (l) to consider, draft and prepare for approval by the Governor in Council such regulations as may be considered necessary for the control or operation of aeronautics in Canada, including the territorial sea of Canada and all waters on the landward side thereof, and for the control or operation of aircraft registered in Canada wherever such aircraft may be; and”

(2) All that portion of subsection (1) of section 4 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“**4.** (1) Subject to the approval of the Governor in Council, the Minister may make regulations to control and regulate air navigation over Canada,

Powers of Minister to make regulations with approval of Governor in Council.

including the territorial sea of Canada and all waters on the landward side thereof, and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the generality of the foregoing, may make regulations with respect to"

(3) Paragraph (i) of subsection (1) of section 4 of the said Act is repealed and the following substituted therefor:

"(i) the institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada, including the territorial sea of Canada and all waters on the landward side thereof, and of aircraft registered in Canada wherever such aircraft may be;"

R.S., c. 29;
1952-1953,
c. 20;
1956, c. 34;
1957, c. 4;
1960, c. 40;
1960-61,
c. 32.

Canada Shipping Act.

8. (1) Section 2 of the *Canada Shipping Act* is amended by adding thereto, immediately after paragraph (7) thereof, the following paragraph:

"(7a) "Canadian waters" means the territorial sea of Canada and all internal waters of Canada;"

(2) Subsection (6) of section 115 of the said Act is repealed and the following substituted therefor:

Application
of Part.

"(6) The Governor in Council may direct that the provisions of this section shall apply to any steamship or class of steamship registered elsewhere than in Canada whilst within Canadian Waters."

(3) Subsection (1) of section 494 of the said Act is repealed and the following substituted therefor:

Application
of Part.

"494. (1) The Governor in Council may direct that this Part or any of the provisions thereof shall apply to any ship or class of ship registered elsewhere than in Canada whilst within Canadian waters."

(4) Subsection (1) of section 500 of the said Act is repealed and the following substituted therefor:

Powers as
to vessels
wrecked, etc

"500. (1) When any British or foreign vessel is wrecked, stranded or in distress at any place within Canadian waters or on or near the coasts thereof, the

receiver shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place; and, upon his arrival there, he shall take command of all persons present and assign such duties and issue such directions to each person as he thinks fit for the preservation of such vessel and of the wreck and of the lives of shipwrecked persons."

(5) Section 503 of the said Act is repealed and the following substituted therefor:

"**503.** The receiver may cause to be apprehended and kept in custody, until he can be conveniently taken before a justice of the peace to be dealt with according to law, any person who plunders, creates disorder or obstructs the preservation of a vessel wrecked, stranded or in distress within Canadian waters or on or near the coasts thereof, and may use force for the suppression of any such plundering, disorder or obstruction and may command all Her Majesty's subjects to assist him in the use of such force."

Power of receiver to suppress plunder and disorder by force.

(6) Subsection (1) of section 505 of the said Act is repealed and the following substituted therefor:

"**505.** (1) Whenever any vessel is wrecked, stranded or in distress within Canadian waters or on or near the coasts thereof, all persons for the purpose of rendering assistance to such vessel, or of saving any wreck or the lives of any shipwrecked persons, may, unless there is some public road equally convenient, pass and repass, either with or without conveyances or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, if they do so with as little damage as possible; and may also, on the like condition, deposit on such lands any wreck saved."

Passage over adjoining lands.

(7) Section 507 of the said Act is repealed and the following substituted therefor:

"**507.** Every person, not being a receiver or a person acting for or under the orders of a receiver, who endeavours to board any vessel or aircraft wrecked, stranded or in distress within Canadian waters or on or near the coasts thereof, without the leave of the person in charge of such vessel or aircraft, may be repelled by force; and the person in charge of such vessel or aircraft and every person under his orders so repelling

Unauthorized person may be repelled by force.

such person by force are hereby indemnified for so doing."

(8) Subsections (1) and (2) of section 510 of the said Act are repealed and the following substituted therefor:

Duty of
persons
finding
wreck in
Canada.

"510. (1) Whenever any person takes possession of a wreck within the limits of Canada, including Canadian waters, he shall, as soon as possible, deliver the same to the receiver, but the Minister may dispense with any such delivery in the case of any wreck, upon such conditions as he thinks fit.

Exception.

Aircraft.

(2) This section applies to any aircraft or any part thereof or cargo thereof found derelict at sea outside Canadian waters and brought within the territorial limits of Canada."

(9) Section 527 of the said Act is repealed and the following substituted therefor:

Salvage of
cargo or
wreck.

"527. When, within Canadian waters or on or near the coasts thereof, any vessel is wrecked, abandoned, stranded or in distress, and services are rendered by any person in assisting such vessel or in saving any wreck, there shall be payable to the salvor by the owner of such vessel or wreck, as the case may be, a reasonable amount of salvage including expenses properly incurred."

(10) Section 533 of the said Act is repealed and the following substituted therefor:

Proceedings
as to salvage,
how to be
conducted

"533. Every dispute as to salvage that arises in Canada, when the services have been rendered in Canadian waters or on or near the coasts thereof, may be heard and determined, on the application either of the salvor or of the owner of the property liable to the claim for salvage, or when the property is in the custody of the receiver, on his application, and, if no proceedings to determine any dispute as to salvage have been taken by the salvor, the owner may make application as aforesaid to the receiver or the Admiralty Court, according to the value of the property liable."

(11) Subsection (1) of section 542 of the said Act is repealed and the following substituted therefor:

Salvage by
Her
Majesty's
ships abroad

"542. (1) Where services are rendered at any place outside Canada or Canadian waters by the

commander or any of the crew of a ship belonging to Her Majesty in saving any vessel, or cargo, or property belonging to a vessel, the vessel, cargo or property alleged to be saved shall, if the salvor is justified by the circumstances of the case in detaining it, be taken to some port in Canada or in some other part of Her Majesty's dominions where there is a court having Admiralty jurisdiction or a consular officer."

(12) Paragraphs (a) to (c) of section 551 of the said Act are repealed and the following substituted therefor:

- "(a) when any ship is lost, abandoned, stranded or damaged in Canadian waters, or on a voyage to or from a port in Canada;
- (b) when any ship causes loss or damage to any other ship in Canadian waters;
- (c) when, by reason of any casualty happening to or on board any ship in Canadian waters, loss of life ensues;"

(13) All that portion of subsection (1) of section 553 of the said Act preceding paragraph (b) thereof is repealed and the following substituted therefor:

"**553.** (1) Whenever a shipping casualty happens, anywhere in the case of a Canadian ship, or in Canadian waters in the case of any other British ship, the master, or, if the master is dead, the chief surviving officer, and also every other such person belonging to the ship as the Minister, from time to time, directs, shall within twenty-four hours of his first landing in Canada, after the happening of such casualty, attend and submit himself for examination

Statement where casualty has happened.

- (a) at the office of the chief officer of Customs residing at or near the place where such casualty occurred, if the same occurred in Canadian waters, or"

(14) All that portion of subsection (1) of section 554 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"**554.** (1) Where any ship, British or foreign, is or has been in distress in Canadian waters a receiver of wreck, or at the request of the Minister, a wreck commissioner or deputy approved by the Minister, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered

Examination on oath of persons belonging to ship or other witnesses, in case of British or foreign ship.

to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters:"

(15) Paragraph (b) of section 560 of the said Act is repealed and the following substituted therefor:

"(b) where a master, mate, pilot or engineer has been charged with incompetency, misconduct or default whilst serving on board any British ship in Canadian waters or in the course of a voyage to a port in Canada;"

(16) Subsections (1) and (2) of section 693 of the said Act are repealed and the following substituted therefor:

Power to detain foreign ship that has occasioned damage.

"**693.** (1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in Canadian waters, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of Customs or other officer named by the judge or court, requiring him to detain the ship until such time as the owner, master or consignee thereof has made satisfaction in respect of the injury, or has given security to be approved by the judge or court, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly.

Detention of ship.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from Canadian waters, the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds."

(17) Subsection (1) of section 710 of the said Act is repealed and the following substituted therefor:

“710. (1) Where it is claimed that any sum is due to any person from the owners of a ship for work done at any place in any province of Canada by that person in connection with the stowing or discharging of cargoes on board or from that ship, or the trimming of coal on board that ship, and that ship is at any time found in Canadian waters, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying in accordance with rules of court that *prima facie* the claim against the owners is a good claim and that none of the owners reside in the province in which the application is made, issue an order for the arrest of the ship.”

Power to arrest ship or claim for work done in stowing cargo, etc.

(18) Subsection (4) of section 710 of the said Act is repealed and the following substituted therefor:

“(4) Where a complaint is made to the Minister that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from Canadian waters, the ship shall, if the Minister so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention if made in accordance with the directions of the Minister.”

Where complaint made that ship will have departed, etc.

Coastal Fisheries Protection Act.

1952-53, c. 15;
1960-61, c. 14.

9. (1) Paragraph (b) of section 2 of the *Coastal Fisheries Protection Act* is repealed and the following substituted therefor:

“(b) “Canadian fisheries waters” means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada;”

“Canadian fisheries waters.”

(2) Paragraph (d) of section 4 of the said Act is repealed.

Substitution of “Canadian fisheries waters” for “Canadian territorial waters.”

(3) Wherever in the said Act the phrase “Canadian territorial waters” occurs there shall be sub-

stituted therefor, in each and every case, the phrase "Canadian fisheries waters".

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, cc. 40,
41;
1960, cc. 37,
45;
1960-61,
cc. 21, 42,
43, 44;
1963, c. 8.

Offences on
territorial
sea and
waters off
the coast.

Criminal Code.

10. Subsection (1) of section 420 of the *Criminal Code* is repealed and the following substituted therefor:

"**420.** (1) Where an offence is committed by a person, whether or not he is a Canadian citizen, on the territorial sea of Canada or on internal waters between the territorial sea and the coast of Canada, whether or not it was committed on board or by means of a Canadian ship, the offence is within the competence of and shall be tried by the court having jurisdiction in respect of similar offences in the territorial division nearest to the place where the offence was committed, and shall be tried in the same manner as if the offence had been committed within that territorial division."

Customs Act.

R.S., c. 58;
1953-54, c. 3;
1955, c. 32;
1958, c. 26;
1962, c. 27.

11. Paragraph (b) of subsection (1) of section 2 of the *Customs Act* is repealed and the following substituted therefor:

"Canadian
waters."

"(b) "Canadian waters" means all waters in the territorial sea of Canada and all internal waters of Canada, subject, however, to the specific provision that the Governor in Council may from time to time by proclamation temporarily restrict, for Customs purposes, the extent of Canadian waters and such proclamation shall not be construed as foregoing any Canadian rights in respect of waters thus restricted;"

R.S., c. 119;
1960-61, c. 23.

Fisheries Act.

12. (1) Section 2 of the *Fisheries Act* is amended by adding thereto, immediately after paragraph (a) thereof, the following paragraph:

"Canadian
fisheries
waters."

"(ab) "Canadian fisheries waters" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada;"

(2) Section 12 of the said Act is repealed and the following substituted therefor:

"12. The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters except where otherwise provided by regulation and, where not otherwise specified by law, any fishery officer may determine the length and place of each net or other apparatus used in any Canadian fisheries waters."

Use of nets regulated.

(3) Section 31 of the said Act is repealed and the following substituted therefor:

"31. No one shall leave any port or place in Canada to fish outside Canadian fisheries waters for fish the catching of which is at such time prohibited in the Canadian fisheries waters opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside Canadian fisheries waters when fishing for such fish is prohibited inside the Canadian fisheries waters opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing."

Fish not to be caught outside Canadian fisheries waters when catching is forbidden in such waters

(4) Section 32 of the said Act is repealed and the following substituted therefor:

"32. No one shall use a purse seine in any Canadian fisheries waters, except under licence from the Minister for the taking of salmon, pilchard, herring, smelts, mackerel and pollock."

Purse seine not to be used except under licence.

(5) Paragraph (b) of subsection (1) of section 55 of the said Act is repealed and the following substituted therefor:

"(b) knowingly brings into Canada any fish taken or caught in the sea beyond Canadian fisheries waters with any vessel that uses an "otter" or other trawl of a similar nature, or any vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea beyond Canadian fisheries waters, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64."

Bringing in fish caught beyond Canadian fisheries waters.

1960-61, c. 23. (6) Section 76 of the said Act is repealed and the following substituted therefor:

Application
to High Seas.

“76. The provisions of this Act and the regulations that apply to any or all of Canadian fisheries waters, without anything in the context of such provisions indicating that they apply to any specified area of Canadian fisheries waters, shall, in relation to any fishing vessel on the High Seas that is subject to the jurisdiction of Canada, or any act or thing done or omitted to be done on, from or by means of any such fishing vessel, be deemed to extend and apply to the High Seas.”

PART III.

COMING INTO FORCE.

Coming into
force.

13. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 23

An Act to provide for the payment of Youth Allowances.

[Assented to 16th July, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

- 1.** This Act may be cited as the *Youth Allowances Act*. Short title.

INTERPRETATION.

- 2.** In this Act,
- | | | |
|-----|--|----------------------------------|
| (a) | "allowance" means a monthly allowance authorized to be paid under this Act; | Definitions "Allowance." |
| (b) | "application" means an application for an allowance; | "Application." |
| (c) | "dependent youth" means a person resident in Canada who has attained the age of sixteen years and has not attained the age of eighteen years and | "Dependent youth." |
| | (i) is in full-time attendance at a school or university, or | |
| | (ii) is, by reason of any mental or physical infirmity, precluded from attending or attending on a full-time basis at a school or university; | |
| (d) | "maintains" means maintains wholly or substantially, and "substantially" has such meaning as may be prescribed; | "Maintains". "substantially." |
| (e) | "Minister" means the Minister of National Health and Welfare; | "Minister" |
| (f) | "parent" means a person resident in a province other than a province providing schooling | "Parent." |

allowances who maintains a dependent youth, but does not include an institution as defined by the regulations;

"Pre-scribed."

(g) "prescribed" means prescribed by the regulations;

"Province providing schooling allowances."

(h) "province providing schooling allowances" means a province prescribed by a regulation made on the recommendation of the Minister for the purposes of this Act as a province in which provision is made, pursuant to any law of the province enacted before the coming into force of this Act, for the payment of monthly allowances similar to the allowances provided by this Act; and

"School or university."

(i) "school or university" means a school, college, university or other educational institution other than an excepted educational institution as defined by the regulations.

YOUTH ALLOWANCES.

Monthly allowance.

3. Subject to this Act, there may be paid out of the Consolidated Revenue Fund to a parent, in respect of a dependent youth maintained by such parent other than a dependent youth in respect of whom an allowance is payable under any law described in paragraph (h) of section 2, a monthly allowance of ten dollars.

Application and approval.

4. (1) An allowance is not payable to a parent unless an application therefor has been made in prescribed form and manner and payment of the allowance has been approved under this Act.

Commencement of payment

(2) Subject to subsection (3), where payment of an allowance in respect of a dependent youth has been approved, the allowance is payable for each month commencing with the month following

(a) the month in which the youth became a dependent youth, or

(b) the month in which the application was received,

whichever is the later.

Approval as of month before application received.

(3) Where a dependent youth in respect of whom an application has been made became a dependent youth before the month in which the application was received, the application may be approved as having been received in such earlier month, not before the later of

(a) the twelfth month preceding the month in which the application was received, or

(b) the month in which the youth became a dependent youth,
as may be prescribed.

(4) Notwithstanding anything in this Act, no allowance is payable for or commencing with any month before September, 1964.

Limitation as to commencement of payment.

5. (1) An allowance payable to a parent in respect of a dependent youth shall be applied exclusively for the care, maintenance, education or advancement of such youth.

How allowance to be applied.

(2) An allowance payable to a parent in respect of a dependent youth ceases to be payable with the payment for the month in which

Termination of payment.

(a) the parent ceases to be a parent as defined by this Act, or

(b) the youth ceases to be a dependent youth as defined by this Act or ceases to be maintained by the parent.

(3) A parent to whom an allowance is being paid shall, not later than thirty days after the allowance ceases to be payable, notify the Minister thereof in prescribed manner.

Notice to be given.

6. (1) For the purposes of this Act, a dependent youth other than a dependent youth described in subparagraph (ii) of paragraph (c) of section 2 shall be deemed

Presumption as to attendance in certain circumstances.

(a) to be in full-time attendance at a school or university if he is an isolated area correspondence course student, as defined by the regulations, enrolled at such school or university; and

(b) to have remained a dependent youth during the period of any school or university holiday if immediately thereafter he resumed attendance on a full-time basis at any such school or university.

(2) Notwithstanding anything in subsection (1), no allowance is payable in respect of a dependent youth, other than a dependent youth described in subparagraph (ii) of paragraph (c) of section 2,

Exception re certain months.

(a) for the month of May or the month of June, unless the youth was in full-time attendance at a school or university during that month or completed a course or term at a school or university that ended in any of the months of April, May or June; or

(b) for any of the months of July, August or September, unless the youth was in full-time attendance at a school or university during

that

that month or resumed attendance on a full-time basis at any such school or university in any of the months of August, September or October;

in which case, subject to this Act, the allowance is payable for that month or those months, as the case may be.

GENERAL.

Allowance
not subject
to taxation
or to be
assigned or
given as
security.

7. An allowance is not subject to taxation under any Act of the Parliament of Canada, and shall not be assigned, charged, attached, or anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security an allowance is void.

Return of
allowance
where
recipient
not entitled.

8. (1) A person who has received or obtained a payment of an allowance to which he is not entitled, or a payment of an allowance in excess of the amount to which he is entitled, shall forthwith return the cheque or the amount thereof, as the case may be.

Recovery of
amount of
payment as
debt due to
Her
Majesty.

(2) Where a person has received or obtained a payment of an allowance to which he is not entitled, or a payment of an allowance in excess of the amount to which he is entitled, the amount thereof or the excess amount, as the case may be, may be recovered at any time as a debt due to Her Majesty, and where that person is or subsequently becomes entitled to an allowance under this Act or under the *Family Allowances Act*, the amount of any such indebtedness may, in prescribed manner, be deducted and retained out of any such allowance payable to him.

Appeals.

9. (1) Where a person is dissatisfied with a decision as to his right to be paid an allowance or as to the amount of any allowance payable to him, he may appeal from the decision to an appeal committee established pursuant to the *Family Allowances Act*.

Idem.

(2) The provisions of the *Family Allowances Act* and the regulations thereunder with respect to appeals under that Act apply *mutatis mutandis* with respect to appeals under this Act.

Regulations.

10. The Governor in Council may make regulations

- (a) prescribing or defining anything that by this Act is to be prescribed or defined by the regulations;
- (b) prescribing the manner of making applications and the information and evidence to be furnished in connection therewith, and re-

- specting the approval of applications under this Act;
- (c) respecting the designation for the purposes of this Act of the parent by whom a dependent youth shall be deemed to be maintained, and authorizing the payment of an allowance in prescribed circumstances to any person or agency in the place of the parent for the benefit of any dependent youth in respect of whom an application has been approved;
 - (d) respecting the information and evidence to be furnished in connection with the payment of an allowance and the making of investigations as to the eligibility of a person to receive such payment and as to the use made thereof, and providing for the suspension of payment of any allowance during any such investigation and for the re-instatement or resumption of payment of any allowance the payment of which has been so suspended;
 - (e) defining residence in Canada or residence in a province for the purposes of this Act and specifying the extent of any intervals of absence from Canada or a province and the circumstances thereof that shall be deemed not to have interrupted the continuity of such residence;
 - (f) respecting the payment of any amount on account of an allowance under this Act that remains unpaid at any time after the death of the parent to whom the allowance was payable; and
 - (g) generally for giving effect to the purposes and provisions of this Act.

11. The Minister may

- (a) enter into arrangements with any department, branch or agency of the Government of Canada or any other public or private organization or agency to assist the Minister in carrying out the purposes and provisions of this Act; and
- (b) with the approval of the Governor in Council, enter into arrangements with the government of any province to facilitate the administration or enforcement of this Act.

Authority
to enter
into
arrange-
ments.

12. (1) Every person who, knowingly,

- (a) makes a false or misleading statement in any application or makes any application or

Offence and
punishment.

declaration that by reason of any non-disclosure of facts is false or misleading, or obtains any allowance by false pretences;

- (b) being the payee thereof, negotiates or attempts to negotiate any cheque for an allowance to which he is not entitled;
- (c) being a person to whom an allowance is being paid, fails to notify the Minister after the allowance ceases to be payable as required by section 5; or
- (d) fails to return any cheque or the amount thereof or any excess amount as required by section 8;

is guilty of an offence punishable on summary conviction.

Time
limit for
prosecution.

(2) A prosecution for an offence under this Act may be commenced at any time within, but not later than, three years from the time when the subject matter of the prosecution arose.

Consent of
Minister.

(3) No prosecution for an offence under this Act shall be commenced without the written consent of the Minister.

Annual
report to
Parliament.

13. The Minister shall as soon as possible after the end of each fiscal year prepare a report on the administration of this Act during that fiscal year and shall cause such report to be laid before Parliament forthwith upon the completion thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 24

An Act to facilitate the making of loans to students.

[Assented to 28th July, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

- 1.** This Act may be cited as the *Canada Student Loans Act*. Short title.

INTERPRETATION.

- 2.** (1) In this Act,
- (a) "academic year" means a period of studies at a specified educational institution, that is recognized by that educational institution and the appropriate authority for a province as a distinct period for a course of studies at that institution and that is of not less than twenty-six weeks' duration; Definitions.
"Academic year."
 - (b) "appropriate authority" for a province means such person, body or authority as may be designated by the Lieutenant Governor in Council of that province as the appropriate authority for that province for the purposes of this Act; "Appropriate authority."
 - (c) "bank" means "Bank."
 - (i) a bank to which the *Bank Act* applies, or
 - (ii) a credit union, caisse populaire or other co-operative credit society, that is designated by the Minister on the application of that society as a bank for the purposes of this Act;

- "Borrower." (d) "borrower" means a person to whom a student loan is made;
- "Certificate of eligibility." (e) "certificate of eligibility" means a certificate in prescribed form issued or caused to be issued by an appropriate authority relating to a qualifying student for an academic year at a specified educational institution, and indicating that the student is considered
- (i) to have attained a satisfactory scholastic standard, and
 - (ii) to be in need of a student loan for the academic year in such amount, not exceeding one thousand dollars, as is stated in the certificate, in order to pursue a course of studies at a post-secondary school level as a full-time student at that educational institution;
- "Guaranteed student loan." (f) "guaranteed student loan" means a student loan made in accordance with the requirements of section 7;
- "Loan year." (g) "loan year" means the period commencing on the 1st day of July in any year and ending on the 30th day of June in the following year;
- "Minister." (h) "Minister" means the Minister of Finance;
- "Prescribed." (i) "prescribed" means prescribed by the regulations;
- "Qualifying student." (j) "qualifying student" means a person
- (i) who
 - (A) is a Canadian citizen, or
 - (B) has been resident in Canada for a period of not less than one year and has declared that he intends to reside in Canada after he ceases to be a full-time student,
 - (ii) who is qualified for enrolment or is enrolled at a specified educational institution as a full-time student in a course of studies at a post-secondary school level lasting throughout an academic year of that institution, and
 - (iii) who intends to attend at a specified educational institution as a full-time student in a course of studies described in subparagraph (ii) if it is financially possible for him to do so;
- (k) "specified educational institution" means an institution of learning, whether within or outside a province, that offers courses at a post-

secondary school level and that is designated by the Lieutenant Governor in Council of that province, either particularly or as a member of a class, as a specified educational institution within the meaning of this Act; and

- (l) "student loan" means a loan made by a bank to a person enrolled as a full-time student at a specified educational institution. "Student loan."

(2) In its application to the Yukon Territory and the Northwest Territories, the expression "Lieutenant-Governor in Council" in this Act means

Yukon Territory and Northwest Territories.

- (a) in the application of this Act to any academic year commencing before the first day of January, 1965,

- (i) where the Council of the Yukon Territory or the Council of the Northwest Territories is not in existence when this Act comes into force, or where no meeting of such Council will take place before the first day of September, 1964, the Commissioner of the Yukon Territory or the Northwest Territories, as the case may be, or

- (ii) in any other case, the Commissioner of the Yukon Territory or the Northwest Territories, acting after consultation with the Council of the Yukon Territory or the Northwest Territories, as the case may be, and

- (b) in the application of this Act to any academic year commencing after the 31st day of December, 1964, the Commissioner of the Yukon Territory or the Northwest Territories, acting after consultation with the Council of the Yukon Territory or the Northwest Territories, as the case may be.

GUARANTEED STUDENT LOANS.

3. Subject to this Act, a guaranteed student loan may be made by a bank to a student, in an amount not exceeding one thousand dollars for any one academic year, and not exceeding an amount that, when added to the aggregate amount of all guaranteed student loans made to that student for previous academic years, equals five thousand dollars. Guaranteed student loan.

INTEREST AND REPAYMENT FREE PERIOD.

Interest free
period.

4. No interest is payable by a student on a guaranteed student loan, in respect of any period while he is a full-time student at a specified educational institution or in respect of any subsequent period ending on the last day of the sixth month after the month in which he ceases to be a full-time student.

Payment
deferred.

5. No amount on account of principal or interest in respect of a guaranteed student loan is required to be paid by a student until the last day of the seventh month after the month in which he ceases to be a full-time student.

LIABILITY OF MINISTER.

Interest
payable by
Minister.

6. The Minister shall pay to a bank, in respect of each guaranteed student loan that a borrower is obligated to repay to that bank, interest thereon at the rate prescribed for the purposes of this section in respect of

- (a) the period commencing when any amount advanced under the loan was made available to the borrower and ending on the last day of the sixth month after the month in which the borrower ceased to be a full-time student; or
- (b) the period throughout which the obligation of the borrower to that bank in respect of the loan continued,

whichever is the lesser.

Guarantee
by Minister

7. Subject to this Act, the Minister is liable to pay to a bank the amount of any loss sustained by it as a result of a student loan, if

- (a) the loan was made pursuant to an application to a bank, signed by the borrower, stating
 - (i) that the borrower has not received any other loan pursuant to the certificate of eligibility referred to in paragraph (b), or pursuant to any other certificate of eligibility relating to the academic year specified in the certificate of eligibility referred to in paragraph (b), except any such loan the amount of which, when added to the amount of the loan applied for, did not exceed one thousand dollars, and
 - (ii) that the amount of the loan applied for, together with the amount of all guaranteed student loans previously made to the borrower, does not exceed five thousand dollars;

- (b) the loan was made to a borrower who filed with the bank making the loan a document that purported to be and was accepted by a responsible officer of that bank, in good faith, as a certificate of eligibility issued or caused to be issued by an appropriate authority relating to that borrower for the academic year specified in the certificate;
- (c) the amount of the loan did not exceed
 - (i) the amount set out in the certificate of eligibility, or
 - (ii) one thousand dollars, whichever is the lesser;
- (d) no fee, service charge or charge of any kind other than simple interest at the rate prescribed as payable by the borrower, was by the terms of the loan payable in respect of the loan, except as provided in the regulations in any case where the borrower is in default;
- (e) the loan was repayable in full by the terms thereof within a period of not less than five years and not more than ten years after the borrower ceased to be a full-time student, subject to alteration in any class of cases as provided in the regulations and subject to the borrower's having the right to repay at any time all or any part of the principal amount of the loan outstanding at that time and any interest then accrued; and
- (f) the loan was made in accordance with an agreement in prescribed form between the borrower and the bank making the loan, containing provisions respecting payment of the principal amount of the loan and interest thereon by the borrower as described in sections 4 and 5 and such other provisions as may be prescribed.

8. All rights of any bank against a borrower in respect of a guaranteed student loan terminate in the event of the death of the borrower, and the Minister shall pay to any bank whose rights against a borrower are terminated under this section, the amount of principal and interest determined in prescribed manner to have been payable by the borrower at the time of his death.

Death of
borrower

9. The Minister may pay to a bank a prescribed amount in respect of any sum collected by a bank on behalf of Her Majesty from a borrower after any payment is made by the Minister to that bank pursuant to section 7, in respect of a guaranteed student loan made to that borrower.

Payment to
banks for
collection.

CERTIFICATES OF ELIGIBILITY.

Issue of
certificates.

10. Subject to section 11, the appropriate authority for a province may issue or cause to be issued a certificate of eligibility to a qualifying student for an academic year.

Limitation
on aggregate
amount.

11. (1) The appropriate authority for a province shall not issue or cause to be issued any certificate of eligibility in a loan year if as a result thereof the aggregate of the amounts set out in certificates of eligibility issued or caused to be issued by such authority in that loan year would exceed the provincial allocation for that province for that loan year.

Calculation
of provincial
allocation.

(2) The provincial allocation for a province for a loan year is an amount, as determined by the Minister after consultation with the Dominion Statistician, equal to that part of the total loan provision for that loan year that bears the same relationship to the total loan provision for that loan year that

- (a) the estimated number of persons in that province that, on the first day of that loan year, have attained eighteen years of age and have not attained twenty-five years of age,

bears to

- (b) the estimated number of persons in Canada on the first day of the loan year, of the same age group.

Loan
provision for
year
commencing
in 1964.
Loan
provision for
subsequent
years.

(3) The total loan provision for the loan year commencing in 1964 is forty million dollars.

(4) The total loan provision for any loan year commencing after 1964 is an amount, as determined by the Minister after consultation with the Dominion Statistician, equal to that part of forty million dollars that bears the same relationship to forty million dollars that

- (a) the estimated number of persons in Canada that, on the first day of the loan year, have attained eighteen years of age and have not attained twenty-five years of age,

bears to

- (b) the estimated number of persons in Canada on the 1st day of July, 1964, of the same age group.

ALTERNATIVE PAYMENTS.

Alternative
payment.

12. (1) Where the government of a province has, before the commencement of any loan year, or, in the case of the loan year commencing in 1964, on or before the thirtieth day after this Act was assented to, informed the

Minister that a provincial student loan plan will be in operation in that province in that loan year and that no appropriate authority for that province will be designated for that loan year for the purposes of this Act, the Minister shall pay to the province, not later than six months after the end of that loan year, an alternative amount calculated as provided in subsection (2).

(2) An alternative amount for a province for any loan year is the amount, as determined by the Minister after consultation with the Dominion Statistician, obtained by

Calculation
of payment.

(a) multiplying

- (i) the aggregate of all amounts paid by the Minister in that loan year to banks pursuant to sections 6, 7, 8 and 9 in respect of guaranteed student loans made pursuant to certificates of eligibility issued or caused to be issued by the appropriate authorities for provinces that issued or caused to be issued such certificates in that loan year, minus all amounts collected by or on behalf of Her Majesty in that loan year in respect of such loans,

by

(ii) the quotient obtained by dividing

- (A) the estimated number of persons in that province that, on the first day of that loan year, have attained eighteen years of age and have not attained twenty-five years of age,

by

- (B) the estimated number of persons in provinces the appropriate authorities for which issued or caused to be issued certificates of eligibility in that loan year, that, on the first day of that loan year, have attained eighteen years of age and have not attained twenty-five years of age; and

- (b) subtracting from the product obtained under paragraph (a) the amount, if any, paid by the Minister in that loan year to banks pursuant to sections 6, 7, 8 and 9 in respect of guaranteed student loans made pursuant to certificates of eligibility issued or caused to be issued by the appropriate authority for that province in previous loan years, minus the amount, if any, collected by or on behalf of Her Majesty in that loan year in respect of such loans.

REGULATIONS.

Regulations.

- 13.** The Governor in Council may make regulations
- (a) prescribing the forms of agreements, certificates of eligibility, claims, reports or other documents required in connection with student loans or for the effective operation of this Act;
 - (b) prescribing in accordance with paragraph (f) of section 7 the provisions to be included in agreements between borrowers and banks relating to guaranteed student loans;
 - (c) providing for the alteration of agreements between borrowers and banks and prescribing the conditions and consequences of such alterations;
 - (d) providing for the assignment or transfer by banks of agreements between borrowers and banks and prescribing the conditions and consequences of such assignments or transfers;
 - (e) prescribing the rate of interest payable by the Minister for the purposes of section 6;
 - (f) prescribing the rate of interest payable by a borrower to a bank on a guaranteed student loan;
 - (g) prescribing, in the event of default in the repayment of a guaranteed student loan, the measures to be taken by the bank and the procedures to be followed for the collection of the amount of the loan outstanding and accrued interest;
 - (h) prescribing the method of determining the amount of any loss sustained by a bank as a result of a guaranteed student loan;
 - (i) prescribing the procedure to be followed by a bank in making a claim against the Minister;
 - (j) respecting the subrogation of Her Majesty to the rights of a bank with respect to a guaranteed student loan;
 - (k) prescribing the maximum number of academic years that may elapse after which, notwithstanding anything in this Act, the principal amount of a guaranteed student loan and interest thereon shall commence to be payable by the borrower;
 - (l) providing for reports to be made to the Minister for the purposes of this Act, and prescribing the kind of information to be included in those reports;
 - (m) providing for the exchange of information and records between persons, bodies or authorities in respect of guaranteed student loans;

- (n) prescribing the method of determining when a student is or ceases to be a full-time student;
- (o) providing, notwithstanding section 11, for the adjustment of the amount of the provincial allocation for a province for any loan year, in any case where the aggregate of the amounts set out in certificates of eligibility issued or caused to be issued by the appropriate authority for the province for any previous year exceeded the provincial allocation for that province for that previous year;
- (p) prescribing any other matter or thing that under this Act is to be prescribed or prescribed by the regulations; and
- (q) generally, for carrying into effect the purposes and provisions of this Act.

OFFENCES.

14. (1) Every person, who, in respect of a guaranteed student loan, knowingly makes any false statement or misrepresentation in an application or other document or wilfully furnishes any false or misleading information is guilty of an offence under this Act and is liable on summary conviction to a fine not exceeding one thousand dollars.

Offence and punishment.

(2) A prosecution for an offence under this Act may be instituted at any time within three years from the time when the subject matter of the complaint arose.

Institution of prosecution.

GENERAL.

15. A guaranteed student loan made by a bank to a borrower not of full age, and interest thereon other than interest payable under section 6, is recoverable by a bank from the borrower as though the borrower had been of full age at the time the loan was made.

Right of recovery by bank.

16. The Minister may

- (a) enter into arrangements with any department, branch or agency of the Government of Canada or any other public or private organization or agency to assist the Minister in carrying out the purposes and provisions of this Act; and
- (b) with the approval of the Governor in Council, enter into arrangements with the government of any province to facilitate the administration or enforcement of this Act.

Authority to enter into arrangements.

Payment
out of
Consolidated
Revenue
Fund.

17. Any amount payable by the Minister under this Act may be paid by the Minister out of the Consolidated Revenue Fund.

Report to
Parliament.

18. The Minister shall each year prepare a report with respect to the administration of this Act during the loan year that ended in the immediately preceding year, and shall cause such report to be laid before Parliament within fifteen days after the completion thereof, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 25

An Act for granting to Her Majesty certain sums of money
for the public service for the financial year ending
the 31st March, 1965.

[Assented to 7th August, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble.
General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1965, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as the *Appropriation Act No. 8, 1964.* Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, thirty-seven million, thirty thousand, one hundred and nine dollars and eighty-four cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1964 to the 31st day of March, 1965, not otherwise provided for, and being the aggregate of \$1,037,030,109.84
granted for
1964-65.

- (a) three-twelfths of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1965, as laid before the House of Commons at

- the present session of Parliament except External Affairs Vote 20 for which the proportion is two-twelfths.....\$987,817,169.42;
- (b) three-twelfths of the total of the amounts of the items in the said Main Estimates set forth in Schedule A.....\$7,044,425.00;
- (c) two-twelfths of the total of the amounts of the items in the said Main Estimates set forth in Schedule B.....\$4,235,450.00;
- (d) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule C.....\$6,442,850.00;
- (e) three-twelfths of the total of the amounts of the items set forth in the Supplementary Estimates (A) for the fiscal year ending the 31st day of March, 1965, as laid before the House of Commons at the present session of Parliament except National Defence Vote 56a and Loans, Investments and Advances Votes L17a and L37a for which no proportion is granted hereby.....\$31,260,558.75;
- (f) two-twelfths of the total of the amounts of the items in the said Supplementary Estimates (A) set forth in Schedule D.....\$229,656.67.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered. R.S., c. 116

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$7,044,425.00 being three-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| | RAILWAYS AND STEAMSHIPS | | |
| 15 | Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1964 in respect of the following services: Newfoundland Ferry and Terminals; Prince Edward Island Car Ferry and Terminals; Yarmouth, N.S.—Bar Harbor, Maine, U.S.A., Ferry Service..... | 13,132,300 | |
| 25 | Payments in respect of the Maritime Freight Rates Act and for supplemental pension allowances to railway employees in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates..... | 15,045,400 | |
| | | | 28,177,700* |

*Net total \$7,044,425.00.

SCHEDULE B.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$4,235,450.00 being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS | | |
| | Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project, the Prairie Farm Rehabilitation Act Program, Land Protection, Reclamation and Development, the Maritime Marshland Rehabilitation Act Program and the Agricultural Rehabilitation and Development Act Program— | | |
| 60 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 21,146,000 | |
| | LEGISLATION | | |
| | HOUSE OF COMMONS | | |
| 20 | General Administration..... | 4,266,700 | |
| | | | 25,412,700* |

*Net total \$4,235,450.00.

SCHEDULE C.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$6,442,850.00 being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | PRODUCTION AND MARKETING | | |
| | Animal and Animal Products | | |
| 25 | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates..... | 10,527,400 | |
| | FISHERIES | | |
| | FISHERIES RESEARCH BOARD OF CANADA | | |
| 20 | Administration, Operation and Maintenance including an amount of \$75,000 for grants for Fisheries Research and for Scholarships and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the International Great Lakes Fishery Commission of the cost of work on lamprey control and lamprey research. | 5,865,000 | |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING | | |
| 10 | Administration, Operation and Maintenance including purchases of air photography and the expenses of the Interdepartmental Committee on Air Surveys, authority to make recoverable advances not exceeding the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights, and a grant of \$1,000 to the Canadian Institute of Surveying..... | 6,785,000 | |
| | MARINE SURVEYS AND RESEARCH | | |
| 15 | Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau..... | 7,131,000 | |
| | GEOLOGICAL RESEARCH | | |
| 25 | Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England and \$100,000 for grants in aid of Geological Research in Canadian Universities..... | 6,650,000 | |

SCHEDULE C—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------|
| | | \$ | \$ |
| | MINES AND TECHNICAL SURVEYS (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| | GEOGRAPHICAL SURVEYS AND RESEARCH | | |
| 45 | Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union and a grant of \$500 to the Canadian Association of Geographers. | 653,000 | |
| | GENERAL | | |
| 60 | Polar Continental Shelf Project..... | 1,596,000 | |
| | NATIONAL FILM BOARD | | |
| I | Administration, Production and Distribution of Films and Other Visual Materials..... | 5,792,900 | |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | NATIONAL PARKS | | |
| 15 | Administration, Operation and Maintenance including wildlife resources conservation and development, administration of the Migratory Birds Convention Act and payments to land owners who maintain migratory bird habitat in accordance with agreements entered into on terms and conditions approved by the Governor in Council, payment to the National Battlefields Commission for the purposes and subject to the provisions of an Act respecting the National Battlefields at Quebec and grants as detailed in the Estimates..... | 11,485,600 | |
| | WATER RESOURCES | | |
| 35 | Construction or Acquisition of Buildings, Works, Land and Equipment and authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of provincial and outside agencies of the cost of hydrometric surveys..... | 304,500 | |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL | | |
| | CENTENNIAL COMMISSION | | |
| 25 | Programs and Projects of National Significance including grants towards such Programs and Projects..... | 2,500,000 | |

SCHEDULE C—Concluded

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------------|
| | | \$ | \$ |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| 1 | Departmental Administration..... | 3,773,800 | |
| | LOANS, INVESTMENT AND ADVANCES | | |
| | CANADIAN BROADCASTING CORPORATION | | |
| L10 | Loans to the Canadian Broadcasting Corporation for the purpose of capital expenditures subject to terms and conditions prescribed by the Governor in Council..... | 14,250,000 | |
| | | | 77,314,200* |

*Net total \$6,442,850.00.

SCHEDULE D.

Based on the Supplementary Estimates (A), 1964-65. The amount hereby granted is \$229,656.67 being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|------------|
| | | \$ | \$ |
| | JUSTICE | | |
| | CORRECTIONAL SERVICES | | |
| 12a | <p>Payment in the current and subsequent fiscal years of pensions in respect of the late W. C. Wentworth, J. E. R. J. Tellier, J. H. Joynson, M. E. Jenkin and R. E. Farrell, all former penitentiary officers who were killed while on duty, to commence</p> <p>(a) in the case of the late W. C. Wentworth and J. E. R. J. Tellier as of the date of the death of the late W. C. Wentworth and J. E. R. J. Tellier, respectively, and</p> <p>(b) in the case of the death of the late J. H. Joynson, M. E. Jenkin and R. E. Farrell as of April 1, 1964,</p> <p>and to be paid at the same rates as if each of the aforementioned deceased was, immediately prior to his death, a person described in subsection (1) of section 27 of the Royal Canadian Mounted Police Superannuation Act holding the rank of Inspector in the Royal Canadian Mounted Police, but</p> <p>(c) in the current fiscal year, each of those rates shall be reduced by the appropriate rate, as determined by the Treasury Board, at which a benefit payable at an annual or monthly rate has been and is being paid pursuant to the Government Employees Compensation Act, Chapter 11 of the Statutes of 1914, the Appropriation Act No. 6, 1926-27 and the Appropriation Act No. 5, 1959 as the case may be, and</p> <p>(d) in each subsequent fiscal year, no amount shall be paid in respect of each of the aforementioned deceased pursuant to the Government Employees Compensation Act, Chapter 11 of the Statutes of 1914, the Appropriation Act No. 6, 1926-27 and the Appropriation Act No. 5, 1959;</p> <p>additional amount required for 1964-65.....</p> | 10,840 | |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | EXTERNAL AFFAIRS | | |
| L12a | Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India..... | 1,367,100 | 1,377,940* |

* Net total \$229,656.67.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 26

An Act to provide for the revision of certain fiscal arrangements with the provinces and to provide adjustments of fiscal arrangements and taxation provisions consequential upon the provision of youth allowances to parents resident in certain provinces.

[Assented to 13th August, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Federal-Provincial Fiscal Revision Act, 1964*. Short title.

FEDERAL-PROVINCIAL TAX SHARING ARRANGEMENTS ACT.

2. The amount of compensation payable by Canada, in respect of each fiscal year in the period commencing on the 1st day of April, 1957 and ending on the 31st day of March, 1962, to the Province of British Columbia, the Province of Saskatchewan and the Province of Manitoba under the tax rental agreement entered into under the *Federal-Provincial Tax Sharing Arrangements Act* with each of the Governments of those Provinces shall be determined as if the words "the average of the standard succession duty applicable to the fiscal year and the two fiscal years immediately preceding it", in paragraph (c) of subsection (1) of section 7 of that Act, had read "the standard succession duty applicable to the fiscal year". Compensation payable under tax rental agreement.

NEWFOUNDLAND GRANT.

3. In addition to all other payments, grants, subsidies and allowances payable to the Province of Newfoundland, the Minister of Finance may, out of the Consolidated Revenue Fund, pay an annual grant of eight million dollars to that Province in the fiscal year commencing on the 1st day of April, 1967 and in each subsequent fiscal year. Additional grant to Newfoundland.

1960-61, c. 58;
1962-63, c. 14.

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT.

Change in
computation
of "standard
individual
income tax".

4. (1) All that portion of paragraph (g) of subsection (1) of section 2 of the *Federal-Provincial Fiscal Arrangements Act* following subparagraph (vi) thereof is repealed and the following substituted therefor:

"(vii) twenty-one seventy-ninths, in respect of the taxation year ending in the fiscal year that ends in 1966, and

(viii) twenty-four seventy-sixths, in respect of the taxation year ending in the fiscal year that ends in 1967,

of the total amount of tax payable under the *Income Tax Act* on those incomes or that would have been payable under that Act on those incomes if no additional amounts as described in subsection (2) of section 6 of the *Federal-Provincial Fiscal Revision Act, 1964* were deductible as described in that subsection, but not including the Old Age Security tax imposed by subsection (3) of section 10 of the *Old Age Security Act*,"

(2) Section 3 of the said Act is amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Succession
duties pay-
ments in
fiscal years
1964 to 1967.

"(4a) The Minister of Finance may pay, in respect of each fiscal year in the period commencing on the 1st day of April, 1964 and ending on the 31st day of March, 1967,

(a) to a province that does not levy a succession duty as defined in the regulations, and

(b) to a province that levies a succession duty as defined in the regulations, if that province does not increase its succession duties in the fiscal year beyond the rates thereof in effect on the 31st day of March, 1964,

an amount equal to fifty per cent of the standard estate tax applicable to the province for the fiscal year; and any amount payable under this subsection to a province described in paragraph (a) is additional to any amount payable under subsection (4)."

(3) Subsection (1) of section 4 of the said Act is amended by striking out the word "or" at the end of paragraph (b) thereof, by adding the word "or" at the end of paragraph (c) thereof, and by adding thereto the following paragraph:

“(d) the adjusted equalization amount applicable to the province for the fiscal year computed in accordance with subsection (5).”

(4) Section 4 of the said Act is further amended by adding thereto the following subsection:

“(5) The adjusted equalization amount applicable to a province for a fiscal year is the amount, if any, remaining after subtracting from the equalization amount applicable to the province for the fiscal year one-half of the product obtained by multiplying

Computation of adjusted equalization amount.

(a) the amount by which the average per capita natural resources revenues of the province for the three fiscal years immediately preceding the fiscal year exceed the average per capita natural resources revenues of all the provinces for the three fiscal years immediately preceding the fiscal year,

by

(b) the population of the province for the fiscal year,

when the equalization amount referred to is the amount, as determined by the Minister, that when added to the standard taxes of the province for the fiscal year will cause

(c) the per capita amount derived by dividing

(i) the sum so obtained,

by

(ii) the population of the province for that year,

to equal

(d) the per capita amount derived by dividing

(i) the sum of the standard taxes of the two provinces for which the per capita standard taxes for that year are greatest,

by

(ii) the total population of those two provinces for that year.”

(5) Subsections (3) and (4) apply in respect of the fiscal years in the period commencing on the 1st day of April, 1964 and ending on the 31st day of March, 1967.

Application of subsections (3) and (4).

CROWN CORPORATIONS (PROVINCIAL TAXES AND FEES) ACT.

Payments to provinces of amount of provincial taxes or fees in respect of fiscal years 1962 and 1963.

5. The Minister of Finance may, out of the Consolidated Revenue Fund, pay to a province in respect of the fiscal year commencing on the 1st day of April,

1964 an amount equal to the estimated additional amount, as determined by the Minister of Finance, of any taxes or fees imposed or levied under a law of that province that would have been paid by corporations listed in the Schedule to the *Crown Corporations (Provincial Taxes and Fees) Act* if for the expression "1964" in section 2 of that Act there had been substituted the expression "1962".

YOUTH ALLOWANCES ACT.

Definitions.

"Federal
revenue
abatement."

6.

(1) In this section,
(a) "federal revenue abatement" for a taxation year in respect of a province providing schooling allowances means the estimated amount, as determined by the Minister of Finance, by which the revenues derived from individual income taxes for that taxation year under the *Income Tax Act* are less than the revenues that would have been derived from such taxes if no additional amounts had been deductible under that Act, in the case of individuals resident in that province in that taxation year, in consequence of the provision of allowances under the *Youth Allowances Act* to parents resident in provinces other than a province providing schooling allowances;

"Federal
savings."

(b) "federal savings" in any fiscal year in respect of a province providing schooling allowances means the estimated aggregate amount, as determined by the Minister of Finance, of the allowances that would have been paid under the *Youth Allowances Act* in that year to parents resident in that province if the allowances provided under that Act had been payable to parents resident in that province; and

"Province
providing
schooling
allowances."

(c) "province providing schooling allowances" has the meaning given that expression by the *Youth Allowances Act*.

Amounts
deemed
deductible
in conse-
quence of
provision of
allowances.

(2) For the purposes of paragraph (a) of subsection (1), such part of any amounts deductible under section 33 of the *Income Tax Act* in the case of individuals resident on the last day of a taxation year in a province providing schooling allowances, as would not have been deductible under that section if such individuals had been resident on the last day of that taxation year in provinces other than a province providing schooling allowances, shall be deemed to be additional amounts deductible under the *Income Tax Act*, in the case of individuals resident in that province in that taxation year, in consequence of the

provision of allowances under the *Youth Allowances Act* to parents resident in provinces other than a province providing schooling allowances.

(3) Where in any fiscal year commencing on or after the 1st day of April, 1964, the federal savings in respect of a province providing schooling allowances exceeds the federal revenue abatement in respect of that province for the taxation year ending in that fiscal year, the Minister of Finance may, out of the Consolidated Revenue Fund, pay to that province in respect of that fiscal year an amount equal to the excess.

Payment to province of amount of excess.

(4) Where for a taxation year ending in any fiscal year commencing on or after the 1st day of April, 1964, the federal revenue abatement in respect of a province providing schooling allowances exceeds the federal savings in that fiscal year in respect of that province, the amount of the excess may be deducted from any payment to that province under the *Federal-Provincial Fiscal Arrangements Act* or under any subsequent Act of the Parliament of Canada substituted therefor, or may be otherwise recovered as a debt due to Canada by that province.

Recovery of excess by deduction, etc.

INCOME TAX ACT.

7. Subparagraphs (iv) and (v) of paragraph (a) of subsection (1) of section 33 of the *Income Tax Act* are repealed and the following substituted therefor:

“(iv) 21% of the basic tax, or in the case of an individual who resided on the last day of the 1965 taxation year in a province that was in that taxation year a province providing schooling allowances within the meaning of the *Youth Allowances Act*, 24% of the basic tax, in respect of the 1965 taxation year, and

(v) 24% of the basic tax, or in the case of an individual who resided on the last day of the 1966 taxation year in a province that was in that taxation year a province providing schooling allowances within the meaning of the *Youth Allowances Act*, 27% of the basic tax, in respect of the 1966 taxation year; and”

GENERAL.

Regulations.

8. The Governor in Council may make regulations respecting

- (a) the payment to a province of advances on account of any amount that may become payable to a province pursuant to this Act, the adjustment of other payments by reason of such advances, and the recovery of overpayments;
- (b) the time and manner of making any payments to a province under this Act; and
- (c) the determination of any matter that under this Act is to be determined by the Minister of Finance.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 27

An Act to amend the Farm Improvement Loans Act.

[Assented to 16th September, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 110;
1952-53 c. 36;
1956, c. 24;
1959, c. 25;
1960-61, c. 22;
1962, c. 15.

1. Paragraph (d) of subsection (1) of section 3 of the *Farm Improvement Loans Act* is repealed and the following substituted therefor:

1959, c. 25.
s. 2.

“(d) the principal amount of the loan did not at the time of the making of the loan, together with the amount owing in respect of other guaranteed farm improvement loans previously made to the borrower and disclosed in his application, or of which the bank has knowledge, exceed the sum of fifteen thousand dollars;”

2. Paragraphs (e) and (f) of section 5 of the said Act are repealed and the following substituted therefor:

1962, c. 15.
s. 2.

- “(e) made during the period commencing on the 1st day of July, 1962 and ending on the 30th day of June, 1965, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds five hundred million dollars;
- (f) made during the period commencing on the 1st day of July, 1965 and ending on the 30th day of June, 1968, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds seven hundred million dollars; or
- (g) made after the 30th day of June, 1968.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA 1964

13 ELIZABETH II.

CHAP. 28

An Act to amend the Crop Insurance Act.

[Assented to 15th October, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1959, c. 42.

1. Section 3 of the *Crop Insurance Act* is repealed and the following substituted therefor:

"3. Subject to this Act, the Minister may, with the approval of the Governor in Council, enter into an agreement with any province Agreements.

(a) to provide for the payment by Canada to the province of contributions in respect of the costs incurred by the province in the operation of an insurance scheme; and

(b) for either

(i) the making of loans to the province in respect of the costs incurred by the province in the operation of an insurance scheme, or

(ii) the reinsurance of a portion of the liability of the province for the payment of indemnities under an insurance scheme, which agreement for reinsurance is hereinafter referred to as a "reinsurance agreement"."

2. The said Act is further amended by adding thereto, immediately after section 4 thereof, the following heading and sections:

"REINSURANCE.

4A. (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the Crop Reinsurance Fund Crop Reinsurance Fund.

- (a) to which shall be credited the moneys paid by a province for the purpose of reinsurance under a reinsurance agreement; and
- (b) to which shall be charged all amounts required for the purpose of making payments to a province under the terms of a reinsurance agreement.

Payments
charged
to Fund.

(2) The Minister of Finance may, subject to the provisions of this Act, on the requisition of the Minister, pay out of the Crop Reinsurance Fund any amount required to be paid to any province under the terms of a reinsurance agreement.

Advances to
Fund out of
C.R.F.

(3) If at any time the amount standing to the credit of the Crop Reinsurance Fund is insufficient to make any payment required under the terms of a reinsurance agreement, the Minister of Finance, out of the Consolidated Revenue Fund, may, with the approval of the Governor in Council, advance to the Crop Reinsurance Fund the amount required to meet the deficit.

Advances
repayable
without
interest.

(4) An advance made by the Minister of Finance under subsection (3) is repayable out of the Crop Reinsurance Fund without interest at such times as the Minister of Finance may prescribe.

Amounts
payable out
of Fund to
province.

4B. (1) Subject to subsection (2), the total amount that may be paid under section 4A to a province in any year pursuant to the terms of a reinsurance agreement shall not exceed seventy-five per cent of the amount by which the indemnities required to be paid by the province in the year under policies of insurance in force in that year exceed the aggregate of

- (a) the premium receipts for the year;
- (b) the reserve for the payment of indemnities; and
- (c) a portion of any sums paid by the province in respect of the indemnities required to be paid by the province in the year under the policies of insurance in force in the year, equal to two and one-half per cent of the total liability of the province under such policies.

Idem.

(2) Where a province has paid any sums described in paragraph (c) of subsection (1), if in any year the total of such sums not repaid to the province exceeds sixteen and two-thirds per cent of the total liability of the province under the policies of insurance in force in the year, the total amount that may be paid under section 4A to the province in the year shall

not exceed seventy-five per cent of the amount by which the indemnities required to be paid by the province in the year under the policies of insurance in force in that year exceed the aggregate of

- (a) the premium receipts for the year; and
- (b) the reserve for the payment of indemnities."

3. (1) Subparagraph (ii) of paragraph (f) of subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

"(ii) that all premium receipts will be used only for

- (A) the payment of indemnities under policies of insurance,
- (B) the repayment to the province of any amounts paid by the province, out of funds not derived from premium receipts, by way of payment of indemnities under policies of insurance,
- (C) the reinsurance of the liabilities of the province pursuant to a reinsurance agreement, and the reinsurance by the province in any other manner of any portion of its liabilities under the insurance scheme that is not covered by a reinsurance agreement,
- (D) the repayment of any loans made to the province pursuant to an agreement under subparagraph (i) of paragraph (b) of section 3, and
- (E) the payment of not more than fifty per cent of the administration expenses referred to in paragraph (c), and"

(2) Subsection (1) of section 5 of the said Act is further amended by striking out the word "and" at the end of paragraph (f) thereof, by adding the word "and" at the end of paragraph (g) thereof and by adding thereto the following paragraph:

"(h) specify the portion of the premium receipts to be paid

- (i) to the Crop Reinsurance Fund, which shall be such portion as in the opinion of the Governor in Council will make that Fund self sustaining, and

- (ii) for any purpose other than the maintenance of the reserve fund for the payment of indemnities."

4. Section 9 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Rebate of
levy under
*Prairie Farm
Assistance
Act.*

"(2a) Notwithstanding the provisions of subsection (7) of section 11 of the *Prairie Farm Assistance Act*, the Minister of Finance, subject to such regulations as the Governor in Council may make in that regard, may, by payment out of the Prairie Farm Emergency Fund, repay to the person entitled thereto amounts that, after the commencement of this subsection, are levied under the *Prairie Farm Assistance Act* and deducted from any payment made by the Canadian Wheat Board

(a) to adjust an increase in the sum certain payable pursuant to paragraph (b) of subsection (1) of section 25 of the *Canadian Wheat Board Act*, or

(b) pursuant to section 26 of the *Canadian Wheat Board Act*,

in respect of grain grown on any land that, by virtue of subsection (1) of this section, is not eligible for assistance under the *Prairie Farm Assistance Act*."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 29

An Act to provide for the extension of credit to farm machinery syndicates.

[Assented to 15th October, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Farm Machinery Syndicates Credit Act*. Short title.

INTERPRETATION.

2. (1) In this Act,
- | | | |
|-----|--|--------------------------------|
| (a) | "Corporation" means the Farm Credit Corporation; | Definitions. "Corporation." |
| (b) | "farming" includes live stock raising, dairying, fruit growing and all tillage of the soil; | "Farming." |
| (c) | "farm machinery syndicate" means an association formed | "Farm machinery syndicate." |
| | (i) by an agreement in writing, approved by the Corporation, between not less than three individuals | |
| | (A) who are engaged in farming independently of one another or who are members of a co-operative farm association, as defined by regulation, and | |
| | (B) the principal occupation of a majority of whom is farming, and | |
| | (ii) for the purpose of purchasing farm machinery for use primarily by members of the syndicate; | |
| (d) | "Minister" means the Minister of Agriculture; and | "Minister." |
| (e) | "syndicate agreement" means an agreement described in paragraph (c). | "Syndicate agreement." |

Determina-
tion of
principal
occupation

(2) Where an individual has two or more major occupations, one of which is farming, the Corporation may determine which of such occupations is his principal occupation for the purposes of this Act.

FARM MACHINERY SYNDICATE LOANS.

Loans to farm
machinery
syndicates.

3. (1) Subject to this Act, the Corporation may make loans to a farm machinery syndicate for the purchase of farm machinery.

Security.

(2) Every loan made pursuant to subsection (1) shall be secured by

- (a) a promissory note, signed by each member of the syndicate, in which each member undertakes to be jointly and severally liable for the outstanding amount of the loan; and
- (b) such other security, including a mortgage on the farm machinery purchased with the loan, as the Corporation may require.

Amount of
loan

4. (1) The amount of a loan made under this Act shall not exceed eighty per cent of the actual price to the farm machinery syndicate of the farm machinery to be purchased with the loan.

Maximum
loan
to one farm
machinery
syndicate.

(2) The total amount outstanding of loans made under this Act to a farm machinery syndicate shall not exceed an amount equal to the amount obtained by multiplying fifteen thousand dollars by the number of members in the syndicate at the time the loan is made or one hundred thousand dollars, whichever amount is the lesser.

Term of
loan on
repayment.

- 5.** (1) Every loan made under this Act shall be
- (a) for such term, not exceeding seven years, as is fixed by the Corporation after considering the kind of farm machinery to be purchased with the loan and the expected economic life of that machinery; and
 - (b) repayable in full during the term thereof with interest payable not less frequently than annually.

Interest
on loans

(2) Subject to the approval of the Governor in Council, every loan made under this Act shall bear interest at such rate prescribed by the Corporation as in its opinion is sufficient to return to it an amount equal to the cost to the Corporation of any money advanced to it for the purpose of making that loan and the expenses of the Corporation in administering that loan, including a reasonable reserve against losses.

6. The Corporation shall, at the time of making a loan under this Act, retain therefrom a service charge in an amount equal to one per cent of the amount of the loan.

Service
charge.

FINANCIAL PROVISIONS.

7. (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the Farm Machinery Syndicates Loan Fund to which

Special
account
established
in C.R.F.

- (a) shall be charged all advances made to the Corporation pursuant to subsection (2) to enable it to make loans under this Act; and
- (b) shall be credited all moneys paid to the Receiver General of Canada by the Corporation pursuant to an agreement between the Corporation and the Minister of Finance in respect of the repayment of advances made pursuant to subsection (2).

(2) Subject to subsection (3), the Minister of Finance may, on the requisition of the Corporation and upon terms and conditions approved by the Governor in Council, make advances out of the Consolidated Revenue Fund to the Corporation for the purpose of making loans under this Act.

Advances out
of C.R.F.

(3) A payment of an advance under subsection (2) shall not be greater than the amount by which

Limit on
advances out
of C.R.F.

(a) twenty-five million dollars exceeds

- (b) the total amount of advances charged to the Farm Machinery Syndicates Loan Fund, minus the total amount of moneys paid by the Corporation pursuant to paragraph (b) of subsection (1).

8. (1) The Corporation shall establish an account to which shall be credited

Corporation
to establish
account

- (a) the service charges retained from loans pursuant to section 6;
- (b) interest earned by the Corporation on loans made under this Act; and
- (c) such amounts as may be appropriated by Parliament from time to time for carrying out the purposes of this Act.

(2) There shall be charged to the account described in subsection (1)

Charges to
account
established
by Corpora-
tion.

- (a) all expenses incurred by the Corporation in making loans under this Act;
- (b) interest payable on money advanced to the Corporation by the Minister of Finance pursuant to subsection (2) of section 7; and

- (c) all losses incurred by the Corporation in making loans under this Act.

Payment of
excess in
account to
Receiver
General
of Canada.

(3) The Corporation shall pay to the Receiver General of Canada all amounts in excess of one million dollars remaining at the end of each fiscal year in the account described in subsection (1) after making the charges described in subsection (2).

REGULATIONS.

Regulations.

9. The Corporation may, with the approval of the Governor in Council, make regulations

- (a) prescribing terms and conditions that a syndicate agreement must contain before it is approved by the Corporation;
- (b) defining the expressions "farm machinery" and "cooperative farm association" for the purposes of this Act; and
- (c) generally, for carrying into effect the purposes and provisions of this Act.

GENERAL.

Corporation
to keep
separate
books of
account.

10. The Corporation shall keep separate books of account and proper records in respect of the administration of this Act.

Agent of
Her Majesty.

11. (1) The Corporation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

Contracts.

(2) The Corporation may, on behalf of Her Majesty, enter into contracts for the purposes of this Act in the name of Her Majesty or in the name of the Corporation.

Property.

(3) Property acquired by the Corporation for the purposes of this Act is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation.

Actions,
suits, etc.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty under this Act may be brought or taken by or against the Corporation in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty.

*Surplus
Crown
Assets Act*
not
applicable.

(5) The *Surplus Crown Assets Act* does not apply to property acquired by the Corporation under this Act.

12. The Corporation has for the purpose of making and administering loans under this Act all the powers set out in section 11 of the *Farm Credit Act*. Powers of Corporation.

ANNUAL REPORT.

13. The Corporation shall, within three months of the termination of each fiscal year, transmit to the Minister a report with respect to the administration of this Act during that fiscal year and the Minister shall cause such report to be laid before Parliament within fifteen days after receipt thereof, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. Annual report.

COMING INTO FORCE.

14. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 30

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1965.

[Assented to 5th November, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1965, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that: Preamble.

1. This Act may be cited as the *Appropriation Act No. 9, 1964.* Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole seven hundred and forty million, seven hundred and ten thousand, nine hundred and seventy-four dollars and seventy-seven cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1964 to the 31st day of March, 1965, not otherwise provided for, and being the aggregate of \$740,710,974.77
granted for
1964-65.

- (a) two-twelfths of the total of the amounts of the items set forth in the Main Estimates, as reduced, for the fiscal year ending the 31st day of March, 1965, as laid before the House of Commons at the present session of Parliament except Finance Vote 15, Mines and Technical Surveys Vote 25, National Research Council Vote 10 and Transport Votes 15 and 25

- for which the proportion is one-twelfth, and Atomic Energy Vote 5, External Affairs Vote 20, Forestry Vote 25 and Legislation Vote 20 for which no proportion is granted hereby.....\$651,829,576.84;
- (b) two-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A\$666,666.67;
- (c) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule B.....\$20,263,800.00;
- (d) two-twelfths of the total of the amounts of the items set forth in the Supplementary Estimates (A) for the fiscal year ending the 31st day of March, 1965, as laid before the House of Commons at the present session of Parliament except National Defence Vote 56a and Loans, Investments and Advances Votes L12a, L17a and L37a for which no proportion is granted hereby.....\$20,612,522.50;
- (e) two-twelfths of the amount of the item in the said Supplementary Estimates (A) set forth in Schedule C.....\$872,966.67;
- (f) nine-twelfths of the total of the amounts of the items set forth in the Supplementary Estimates (B) for the fiscal year ending the 31st day of March, 1965, as laid before the House of Commons at the present session of Parliament.....\$46,215,108.75;
- (g) two-twelfths of the amount of the item in the said Supplementary Estimates (B) set forth in Schedule D.....\$250,333.34.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

5. The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of seven hundred and fifty million dollars, as may be required for public works and general purposes.

Power to
raise loan of
\$750,000,000
for public
works and
general
purposes.
R.S., c. 116.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

Account to
be rendered.
R.S., c. 116.

SCHEDULE A.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$666,666.67, being two-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|------------|
| | | \$ | \$ |
| | PUBLIC WORKS | | |
| | C—CANADIAN CORPORATION FOR THE 1967 WORLD EXHIBITION | | |
| 70 | Towards Federal share of the cost of construction of an ice control structure..... | | *4,000,000 |

* Net total \$666,666.67.

SCHEDULE B.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$20,263,800, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|-------------|--------------|
| | | \$ | \$ |
| | FISHERIES | | |
| | FISHERIES MANAGEMENT AND DEVELOPMENT | | |
| 5 | Operation and Maintenance including Canada's share of the expenses of the International Commissions detailed in the Estimates and of the costs of programs and projects shared jointly with the Provinces and industry..... | 12,949,100 | |
| 10 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 1,737,900 | |
| | LEGISLATION | | |
| | THE SENATE | | |
| 5 | General Administration..... | 932,600 | |
| | MINES AND TECHNICAL SURVEYS | | |
| | B—DOMINION COAL BOARD | | |
| 70 | Payments in connection with the movements of coal under conditions prescribed by the Governor in Council, and subventions in respect of Eastern coal under agreements entered into pursuant to the Atlantic Provinces Power Development Act..... | 15,815,000 | |
| | POST OFFICE | | |
| 1 | Postal Services including Canada's share of the upkeep of the International Bureaux at Berne and Montevideo..... | 208,861,000 | |
| | PUBLIC WORKS | | |
| | ROADS, BRIDGES AND OTHER ENGINEERING SERVICES | | |
| 40 | International, Interprovincial and other Bridges and related Works listed in the Details of the Estimates, provided that the amount within the Vote to be expended on individually listed projects may be increased or decreased subject to the approval of Treasury Board..... | 2,870,000 | |
| | | | *243,165,600 |

* Net total \$20,263,800

SCHEDULE C.

Based on the Supplementary Estimates (A), 1964-65. The amount hereby granted is \$872,966.67, being two-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|--------|------------|
| | | \$ | \$ |
| | TRANSPORT | | |
| | E—NATIONAL HARBOURS BOARD | | |
| 103a | To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967, and to provide, notwithstanding sections 28 and 29 of the National Harbours Board Act, for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account..... | | *5,237,800 |

* Net total \$872,966.67.

SCHEDULE D.

Based on the Supplementary Estimates (B), 1964-65. The amount hereby granted is \$250,333.34, being two-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|------------|
| | | \$ | \$ |
| | TRANSPORT | | |
| | E—NATIONAL HARBOURS BOARD | | |
| 103b | To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967 and to provide, notwithstanding sections 28 and 29 of the National Harbours Board Act, for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account..... | | *1,502,000 |

* Net total \$250,333.34.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 31

An Act to provide for the establishment of Electoral Boundaries Commissions to report upon the Readjustment of the Representation of the Provinces in the House of Commons and to provide for the Readjustment of such Representation in accordance therewith.

[Assented to 20th November, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Electoral Boundaries Readjustment Act*. Short title.

INTERPRETATION.

- 2.** In this Act,
- | | | |
|-----|---|--|
| (a) | "commission", with respect to any decennial census, means the electoral boundaries commission for that census established for a province pursuant to section 4; | Definitions. "Com- mission." |
| (b) | "Representation Commissioner" means the Representation Commissioner appointed pursuant to the <i>Representation Commissioner Act</i> ; and | "Representa- tion Com- missioner." |
| (c) | "Speaker" means the Speaker of the House of Commons. | "Speaker." |

ESTABLISHMENT OF COMMISSIONS.

3. For the decennial census taken in the year 1961 and for each decennial census taken thereafter, ten commissions shall be established in the manner provided in this Act, to consider and report upon the readjustment of the representation of the provinces in the House of Commons required to be made upon the completion of such census. Commissions
to be
established.

Proc-
lamation.

4. Within sixty days after the receipt by the Secretary of State of Canada of the return referred to in section 11 for any decennial census, the Governor in Council shall, by proclamation published in the *Canada Gazette*, establish for that census an electoral boundaries commission for each province.

CONSTITUTION AND MEMBERSHIP.

Constitution
of com-
mission.

5. Each commission for a province shall consist of four members, namely a chairman, two other members appointed as provided in section 6, and the Representation Commissioner.

Appointment
of chairman.

6. (1) The chairman of the commission for a province shall be appointed by the chief justice of the province from among the judges of the court over which he presides or, after consultation with the chief justice of any other branch or division of that court or any other superior court in that province, from among the judges of that branch, division or other superior court, but in the event that there is no such judge able or free to act as chairman or where for any other reason no such appointment is made within the time provided therefor by this Act, the Chief Justice of Canada or in the event of his absence or incapacity the senior puisne judge of the Supreme Court of Canada shall make the appointment from among such persons resident in that province as he deems suitable.

Appointment
of other
members.

(2) The two members of the commission for a province other than the chairman and the Representation Commissioner shall be appointed by the Speaker of the House of Commons from among such persons resident in that province as he deems suitable.

Notice of
appointment
to be given.

(3) Forthwith upon the making of any appointment as provided in this section, the person making the appointment shall notify the Secretary of State thereof.

References
to chief
justice and
Speaker.

(4) A reference in subsection (1) to the chief justice of a province includes a reference to the acting chief justice of the province or any person performing for the time being the duties of the chief justice thereof, and a reference in subsection (2) to the Speaker of the House of Commons includes a reference to any person performing for the time being the duties of the Speaker.

Proclamation
to name
members.

7. (1) The proclamation establishing a commission shall name therein each of the members thereof appointed as provided in section 6.

Deputy
chairman.

(2) A commission may appoint one of its members as deputy chairman thereof, who shall, in the

event of the absence or incapacity of the chairman or if the office of chairman is vacant, act as chairman.

(3) At all meetings of a commission two members of the commission constitute a quorum, and where at any meeting of a commission there is an equality of votes, the chairman or person acting as chairman has a deciding vote.

Quorum and
deciding
vote.

(4) A vacancy in the membership of a commission or in the office of chairman does not impair the right of the remaining members to act, but except in the case of the office of Representation Commissioner, where any such vacancy occurs it shall be filled within thirty days by appointment in the manner provided in section 6, and the person making the appointment shall thereupon give notice of the appointment to the Secretary of State who shall forthwith cause the same to be published in the *Canada Gazette*.

Vacancy in
membership.

8. No person is eligible to be a member of a commission while he is a member of the Senate or House of Commons of Canada or is a member of a legislative assembly or legislative council of a province.

Eligibility
of members.

9. (1) Each of the members of a commission, other than the Representation Commissioner or a person in receipt of salary under the *Judges Act*, is entitled to be paid such *per diem* allowance as may be fixed by the Governor in Council.

Remunera-
tion.

(2) Each of the members of a commission is entitled to be paid reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties as a member of the commission.

Expenses.

10. A commission is not an agent of Her Majesty and the members of a commission as such are not part of the public service of Canada.

Not agent
of Her
Majesty.

COMMENCEMENT AND PREPARATION OF REPORT.

11. As soon as possible after the completion of any decennial census, or in the case of the census taken in the year 1961 forthwith after the coming into force of this Act, the Dominion Statistician shall prepare and send to the Secretary of State and to the Representation Commissioner a return certified by him showing the population of Canada and of each of the provinces and the population of Canada by electoral districts as ascertained by that census, and the Representation Commissioner shall, forthwith after the establishment of the commissions for that census pursuant

Return of
Dominion
Statist-
ician.

to section 4, send a copy of such return to the chairman of each of the commissions.

Calculation of members to be assigned to each province; preparation of report.

12. Upon receipt by the Representation Commissioner from the Dominion Statistician of the return referred to in section 11, the Representation Commissioner shall calculate the number of members of the House of Commons to be assigned to each of the provinces, subject and according to the provisions of section 51 of the *British North America Act, 1867* and the rules provided therein, and upon the completion of such calculation shall cause a statement to be published in the *Canada Gazette* setting forth the results thereof, and thereafter in accordance with such calculation each commission for a province shall, with all reasonable despatch, prepare a report setting forth its recommendations concerning the division of that province into electoral districts and its recommendations concerning the description of the boundaries of each such district and the representation and name to be given thereto.

Rules to be applied in preparing report.

13. In preparing its report each commission for a province shall be governed by the following rules:

- (a) the division of the province into electoral districts and the description of the boundaries thereof shall proceed on the basis that the population of each electoral district in the province as a result thereof shall correspond as nearly as may be to the electoral quota for the province, that is to say, the quotient obtained by dividing the population of the province as ascertained by the census by the number of members of the House of Commons to be assigned to the province as calculated by the Representation Commissioner under section 12;
- (b) where, immediately before the day this Act was assented to, provision was made for any electoral district in the province to be represented by two members of the House of Commons, the commission may, if it sees fit to do so, recommend the continuation of such representation, in which case the division of the province into electoral districts and the description of the boundaries thereof in accordance with rule (a) shall proceed subject to such adjustments as are necessary in order to give effect to the continuation of such representation; and

- (c) the commission may depart from the strict application of rules (a) and (b) in any case where

- (i) special geographic considerations, including in particular the sparsity, density or relative rate of growth of population of various regions of the province, the accessibility of such regions or the size or shape thereof, appear to the commission to render such a departure necessary or desirable, or
- (ii) any special community or diversity of interests of the inhabitants of various regions of the province appears to the commission to render such a departure necessary or desirable,

but in no case, except as may be necessary in order to give effect to rule (b), shall the population of any electoral district in the province as a result thereof depart from the electoral quota for that province to a greater extent than twenty-five per cent more or twenty-five per cent less.

14. (1) In the performance of its duties under this Act a commission has and may exercise all of the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*.

Powers of
commission.

(2) A commission may employ such technical advisers and other staff, including a person to act as secretary to the commission, as it deems necessary and, subject to the approval of the Treasury Board, may fix the salaries and expenses of such persons and prescribe the conditions of their employment.

Staff.

15. The Dominion Statistician and the Director of the Surveys and Mapping Branch of the Department of Mines and Technical Surveys shall make available their services and the facilities of their respective offices, and render all such other assistance to a commission as may be necessary, in order to enable the commission to discharge its duties under this Act.

Duty to
assist.

16. A commission may make rules for regulating its proceedings and for the conduct of its business, and may provide therein for the conduct of any inquiry or hearing by one or more of its members.

Rules of
procedure.

17. (1) A commission may, in the performance of its duties under this Act, sit at such times and places in the

Sittings of
commission;
hearing of
representa-
tions.

province for which it is established as it deems necessary, except that before completing its report it shall hold at least one sitting in that province for the hearing of representations by interested persons.

Notice to be given by public advertisement.

(2) Notice of the time and place fixed by the commission for any sittings to be held by it for the hearing of representations from interested persons shall be given by advertisement published in the *Canada Gazette* and in at least one newspaper of general circulation in the province, at least thirty days before the commencement of such sittings.

Advertisement to include map showing proposed electoral districts.

(3) There shall be included in the advertisement referred to in subsection (2) a map or drawing prepared by the commission showing the proposed division of the province into electoral districts and indicating the representation and name proposed to be given to each such district, together with a schedule setting forth the proposed boundaries of each such district, which map or drawing and schedule shall be in such form and shall contain such detail as, in the opinion of the commission, will be reasonably sufficient for the purpose for which the sittings are to be held.

Notice of representation to be given before sittings.

(4) No representation shall be heard by a commission at any sittings held by it for the hearing of representations from interested persons unless notice in writing is given to the secretary to the commission within twenty-three days from the date of publication of the advertisement referred to in subsection (2), stating the name and address of the person by whom the representation is sought to be made and indicating concisely the nature of the representation and of the interest of such person.

COMPLETION OF REPORT.

Time within which report to be completed.

18. Each commission shall complete its report not later than one year after the receipt by the chairman from the Representation Commissioner of the copy of the return referred to in section 11, and upon the completion of such report shall cause two certified copies thereof to be transmitted to the Representation Commissioner.

Report to be laid before House.

19. (1) Upon receiving the certified copies referred to in section 18 of the report of any commission, the Representation Commissioner shall transmit one of the copies thereof to the Speaker who shall, subject to subsection (2), cause such copy to be laid before the House of Commons forthwith upon its receipt by him if Parliament is then sitting, or if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting.

(2) Where the copy referred to in subsection (1) of the report of any commission for a province is received by the Speaker during an interval between two sessions of Parliament, the Speaker shall forthwith cause the same to be published in the *Canada Gazette* and a copy of the said *Canada Gazette* to be sent by mail to each of the members of the House of Commons representing electoral districts in that province.

Where
report
received
during
interval
between
sessions

20. If within a period of thirty days from the day the copy of the report of any commission for a province is laid before the House of Commons or published pursuant to section 19, an objection in writing, in the form of a motion for consideration by the House of Commons of the matter of the objection, signed by not less than ten members of the House of Commons is filed with the Speaker specifying the provisions of the report objected to and the reasons for the objection, the House of Commons shall, within the first fifteen days next after the expiration of that period that the House of Commons is sitting, take up the motion and consider the matter of the objection, and thereafter the report shall be referred back to the Representation Commissioner by the Speaker, together with a copy of the objection and of the House of Commons Debates with respect thereto, for reconsideration by the commission having regard to the objection.

Procedure
where
objection
filed with
Speaker.

21. (1) Within thirty days from the day the report of any commission is referred back to the Representation Commissioner by the Speaker pursuant to section 20, the commission shall consider the matter of the objection and shall dispose of the objection, and forthwith upon the disposition thereof a certified copy of the report of the commission, with or without amendment accordingly as the disposition of the objection requires, shall be returned by the Representation Commissioner to the Speaker.

Reconsidera-
tion and
disposition
of objection
by com-
mission
concerned

(2) Section 19 applies *mutatis mutandis* in respect of any copy of a report returned to the Speaker pursuant to this section.

Application
of s. 19.

REPRESENTATION ORDER.

22. (1) Where, with respect to each of the reports referred to in section 18,

Preparation
of draft
representa-
tion order.

- (a) it is ascertained by the Representation Commissioner that no objection has been filed with the Speaker in the manner and within the time prescribed therefor in section 20, or
- (b) after the report was referred back to the Representation Commissioner by the Speaker, the

report, with or without amendment, has been returned by the Representation Commissioner to the Speaker pursuant to section 21, the Representation Commissioner shall forthwith prepare and transmit to the Secretary of State a draft order, hereinafter referred to as a "representation order", in accordance with the provisions of this section.

Contents
of order.

- (2) The draft representation order shall
- (a) specify the number of members of the House of Commons who shall be elected for each of the provinces as calculated by the Representation Commissioner under section 12; and
 - (b) divide each of the provinces into electoral districts, describe the boundaries of each such district and specify the representation and name to be given thereto, in accordance with the recommendations contained in the reports referred to in subsection (1).

Proclamation
declaring
order in
force;
effective
date.

23. Within five days after the receipt by the Secretary of State of the draft representation order, the Governor in Council shall by proclamation declare the draft representation order to be in force, effective upon the dissolution of the then existing Parliament or effective upon the dissolution of the next following Parliament if upon the issue of the proclamation Parliament is then dissolved, and upon the issue of the proclamation the order shall have the force of law accordingly.

Publication of
order and
proclamation

24. The representation order and the proclamation declaring it to be in force shall be published in the *Canada Gazette* not later than five days after the issue of the proclamation.

Con-
struction
of order;
doubtful
cases.

25. (1) The whole of that part of the representation order relating to any province shall be read together and shall, so far as possible, be construed as including the whole of such province in one or another of the electoral districts described therein, the description of each electoral district being accordingly construed as intended, unless the contrary intention appears, to include the whole of the contained area whether particularly mentioned or not, and to include also any area partly surrounded by the areas expressly described that appears to have been intended to be included; in any doubtful case the Representation Commissioner shall finally determine the electoral district, if any, of which any area not expressly referred to was intended to form part and shall, within the first fifteen days of the session of Parliament next following any such determination, report the same, with the reasons therefor, to the Speaker.

(2) Wherever in the representation order any word or expression is used to denote the name of any territorial division, such word or expression shall, unless the context otherwise requires, be construed as indicating the territorial division as it existed or was bounded immediately before the issue of the proclamation declaring the order to be in force.

References to territorial divisions

(3) Wherever in the representation order any municipality or other place is incorrectly referred to as a city, or a town, or a village, but there is within the territorial limits of the electoral district in the description of which the reference occurs, a municipality or other place of the same name that is a city, town or village but is not of the class, namely city, town or village as the case may be, specified in the representation order, the reference shall be taken to be to that municipality or other place.

Incorrect references.

26. As soon as possible after the issue of the proclamation declaring the representation order to be in force, the Director of the Surveys and Mapping Branch of the Department of Mines and Technical Surveys shall, in accordance with the descriptions and definitions set out in the order, and with the co-operation of the Representation Commissioner, prepare and print

Maps to be prepared and printed.

- (a) individual maps of each electoral district showing the boundaries of each such district;
- (b) individual maps of each province showing the boundaries of the electoral districts established therein; and
- (c) individual maps of all cities and metropolitan municipalities, portions of which are in more than one electoral district.

27. For the purpose only of authorizing and enabling the appointment, pursuant to section 8 of the *Canada Elections Act*, of returning officers whenever required, the representation order shall be deemed to be in force effective upon the day on which the proclamation declaring it to be in force was issued.

Returning officers.

GENERAL.

28. All amounts required for the payment of salaries and other expenses under this Act, including expenses of administration, shall be paid out of moneys appropriated by the *Representation Commissioner Act* for the purpose.

Provision for expenses

29. (1) The *Representation Act* is repealed.

R.S., c. 334;
1952-53, c. 8;
1953-54, c. 32;
1955, c. 5;
1959, c. 16;
1960-61, c. 25;
1962, cc. 17,
28.

R.S., c. 30.

(2) Subparagraph (ii) of paragraph (a) of section 2 of the *Canada Temperance Act* is repealed and the following substituted therefor:

“(ii) as respects the Provinces of Manitoba, Saskatchewan and Alberta, “county” means the electoral districts therein as designated from time to time pursuant to the *Electoral Boundaries Readjustment Act*,”

Electoral
district of
Yukon.

30. Notwithstanding anything in this Act, there shall be in the Yukon Territory one electoral district named and described as follows, which shall return one member:

Yukon: consisting of the Yukon Territory as bounded and described in the Schedule to chapter 41 of the Statutes of Canada, 1901.

Electoral
district of
Northwest
Territories.

31. Notwithstanding anything in this Act, there shall be in the Northwest Territories one electoral district named and described as follows, which shall return one member:

Northwest Territories: consisting of the Northwest Territories as bounded and described in section 2 of the *Northwest Territories Act*.

Coming
into force.

32. (1) This Act except sections 29 to 31 thereof shall come into force on the day this Act is assented to.

(2) Sections 29 to 31 of this Act shall come into force on the day on which the first representation order made pursuant to this Act after the decennial census taken in the year 1961 becomes effective.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

CHAP. 32

An Act to provide for the Establishment of Harbour Commissions.

[Assented to 20th November, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Harbour Com- Short title.*
missions Act.

INTERPRETATION.

- | | | |
|-----------|---|--------------------|
| 2. | In this Act, | Definitions. |
| (a) | "Commission" means a harbour Commission established pursuant to this Act; | "Com- mission." |
| (b) | "harbour" in relation to a Commission means the harbour for which that Commission is established; | "Harbour." |
| (c) | "member" means a member of a Commission; | "Member." |
| (d) | "Minister" means the Minister of Transport; and | "Minister." |
| (e) | "vessel" includes any ship, boat, barge, raft, dredge, floating elevator, scow, seaplane or other floating craft. | "Vessel." |

ESTABLISHMENT OF HARBOUR COMMISSIONS.

3. (1) The Governor in Council may by proclamation establish a harbour Commission for any harbour in Canada that is not named in the *National Harbours Board Act*, or for any harbour for which a harbour Commission has not otherwise been established by Parliament.

(2) Every Commission established pursuant to this Act is a body corporate.

4. (1) The proclamation establishing a harbour Commission shall

- (a) define the limits of the harbour for which the Commission is established;
- (b) state the corporate name of the Commission; and
- (c) fix the number of members of the Commission which shall be not less than three and not more than five.

Alteration of
harbour
limits, etc.

(2) The Governor in Council may, by proclamation, alter from time to time the limits of a harbour for which a Commission has been established pursuant to this Act, change the name of a Commission and increase or decrease the number of members thereof, but not so as to decrease the number below three or increase it above five.

MEMBERS AND STAFF.

Appointment
of members of
Commission.

5. (1) Subject to this section, a majority of the members of a Commission shall be appointed by the Governor in Council and the remainder shall be appointed as follows:

- (a) where one municipality only adjoins the harbour for which the Commission is established, by the council of that municipality;
- (b) where two municipalities only adjoin the harbour for which the Commission is established and the remainder consists of two members, one member by the council of each municipality; or
- (c) where the number of municipalities adjoining the harbour for which the Commission is established exceeds the number of members in the remainder, by agreement among the councils of all of the adjoining municipalities.

Exceptional
cases

(2) Where the Governor in Council determines that a municipality adjoining the harbour for which a Commission is established does not provide normal municipal services, the member or members of the Commission to be appointed as provided in subsection (1) by or by agreement with the council of that municipality shall instead be appointed by or by agreement with such of the following bodies as the Governor in Council may designate:

- (a) the council of that municipality;
- (b) any organization or group of organizations representative of local interests in the vicinity of the harbour for which the Commission is established; or
- (c) the Lieutenant Governor in Council of the province in which the harbour is located.

(3) Where there is no municipality adjoining the harbour for which a Commission is established, the remainder of the members of the Commission shall be appointed by such of the bodies described in paragraph (b) or (c) of subsection (2) as the Governor in Council may designate.

Idem.

(4) Where a member of a Commission to be appointed in the manner prescribed in subsection (1), (2) or (3) is not appointed within sixty days from the day on which the Commission is established under this Act or from the day on which the office becomes vacant, such member may be appointed by the Governor in Council.

Time limit for appointment.

(5) Each member of a Commission shall hold office during pleasure for a term not exceeding three years and at the expiration of his term of office may be reappointed.

Tenure of office.

(6) No member of the council of a municipality adjoining a harbour for which a Commission is established and no member of the legislature of the province in which is located any harbour for which a Commission is established is eligible to be a member of that Commission.

Persons ineligible to be members.

6. (1) Each member of a Commission shall, before entering upon the duties of his office, take and subscribe an oath in the following form:

Oath of office.

“I, A. B., solemnly swear that I will truly and impartially and to the best of my skill and understanding execute and perform the duties of member of the.....Harbour Commission. So help me God.”

(2) The oath described in subsection (1) may be administered by a member of the Commission previously sworn, the Chief Executive Officer of the Commission or a justice of the peace.

Who may administer oaths.

7. (1) The members of a Commission shall elect one of their number as chairman.

Chairman.

(2) A majority of the members constitutes a quorum of the Commission and a vacancy in the membership of the Commission does not impair the right of the remaining members to act.

Quorum.

(3) There may be paid to each member of a Commission out of the revenues of the Commission such remuneration as may be fixed by the Governor in Council.

Remuneration of members

8. (1) The Commission may appoint a Chief Executive Officer and employ such other officers and employees as it deems necessary to carry out the purposes and functions of the Commission under this Act.

Appointment of officers and employees of Commission.

(2) The Chief Executive Officer shall be paid out of the revenues of the Commission such salary as may

Salary of Chief Executive Officer.

be fixed by the Commission with the approval of the Minister.

GENERAL POWERS.

Jurisdiction
within
harbour.

9. Subject to this Act, a Commission shall regulate and control the use and development of all land, buildings and other property within the limits of the harbour, and all docks, wharves and equipment erected or used in connection therewith.

Powers of
Commission
to purchase,
construct,
sell, etc.,
real and
personal
property.

10. A Commission may

- (a) with the approval of the Minister, where the amount involved exceeds such amount as the Minister may fix, and
- (b) without the approval of the Minister, in any other case,

purchase or otherwise acquire land within the limits of the harbour or in the immediate vicinity thereof, and purchase or construct, and operate and maintain, docks, wharves, buildings or other structures and machinery or other equipment for use in the operation and development of the harbour and may sell or lease such land, structures or equipment.

Adminis-
tration of
Crown and
municipal
property.

11. (1) A Commission may administer and develop on behalf of Her Majesty in right of Canada or in right of any province, or on behalf of any municipality adjoining the harbour, any property owned by Her Majesty in right of Canada or in right of that province or owned by that municipality, as the case may be, within the limits of the harbour or in the immediate vicinity thereof.

Leasing of
land
administered
for Crown.

(2) Notwithstanding anything in this Act, a Commission shall not lease any land administered by it on behalf of Her Majesty in right of Canada

- (a) for any period of twenty years or less without the approval of the Minister, and
- (b) for any period of more than twenty years without the approval of the Governor in Council.

Construction
of rail
facilities.

12. (1) Subject to any other Act of the Parliament of Canada and any regulations made thereunder, a Commission may

- (a) construct, purchase or lease and operate or maintain railways within the boundaries of the harbour on lands owned by or within the jurisdiction of the Commission;
- (b) enter into agreements with any company for the maintenance of the railways referred to in paragraph (a) and for the operation thereof, in a manner that will afford all railway companies

whose lines reach the harbour the same facilities for traffic as those enjoyed by that company; and

- (c) enter into arrangements with railway, navigation, air or road transport companies for the facilitating of traffic to, from or within the limits of the harbour.

(2) Nothing in this section shall be deemed to constitute a Commission a railway company.

Commission
not railway
company.

BY-LAWS.

13. (1) A Commission may, with the approval of the Governor in Council, make by-laws respecting the management of its internal affairs and the duties of its officers and employees, and for the management and control of the harbour and the works and property therein under its jurisdiction, including by-laws respecting

By-laws.

- (a) the regulation of the navigation and use of the harbour by vessels, including the mooring and berthing thereof and the discharging and loading of cargo;
- (b) the regulation of all works and operations within the harbour;
- (c) the regulation or prohibition of the construction of channels, docks, wharves, piers, buildings or other structures within the limits of the harbour and the maintenance thereof, and the excavation, removal or deposit of material or any other action that is likely to affect in any way the docks, piers, wharves or channels of the harbour or the lands adjacent thereto;
- (d) the construction, operation and maintenance of
 - (i) elevators, pipes, conduits and other works or appliances upon docks, piers or wharves within the limits of the harbour, and
 - (ii) pipes or lines of wire or cable across or under the bed of the harbour;
- (e) the regulation or prohibition of the erection of towers or poles, and the stringing or laying of wires or cables within the harbour;
- (f) the transportation, handling or storing within the harbour of explosives or other substances that, in the opinion of the Commission, constitute or are likely to constitute a danger or hazard to life or property;
- (g) the maintenance of order and the protection of property within the harbour;
- (h) the punishment that may be imposed on summary conviction for the breach of any

by-law, which punishment shall not exceed a fine of five hundred dollars or imprisonment for a term of six months or both such fine and imprisonment; and

- (i) the regulation of all persons and vessels coming into or using the harbour, including the imposition and collection of rates to be paid upon such vessels and upon goods landed from or shipped on board such vessels, or transshipped by water within the harbour.

Idem.

(2) Every by-law shall, at least ten days before its submission to the Governor in Council for approval, be served upon the clerk of each municipality adjoining the harbour for which the Commission is established.

BORROWING POWERS.

Commission may borrow and issue debentures therefor.

14. For the purpose of defraying the expenses of constructing or improving wharves, structures and other works within the limits of the harbour, a Commission may on such terms and conditions as the Governor in Council may approve,

- (a) borrow money in Canada or elsewhere, and
- (b) issue debentures for sums of not less than one hundred dollars, payable in not more than forty years.

FINANCES.

Charges against revenues.

15. (1) The revenues of a Commission shall be charged with

- (a) the costs of collecting such revenues;
- (b) the expenses, including depreciation, incurred by the Commission in operating and maintaining the harbour and works and property owned, controlled, administered or managed by the Commission under this Act;
- (c) the interest and other charges incurred in connection with debentures issued or money borrowed by the Commission under this Act; and
- (d) any other expenses lawfully incurred by the Commission in carrying out its duties and functions under this Act.

Amounts payable to Receiver General.

- (2) After providing for
- (a) the charges specified in subsection (1), other than depreciation, and
 - (b) the appropriation to the funded reserves of the Commission of such amounts as may be approved by the Minister,

the revenues of a Commission remaining at the end of each fiscal year of that Commission shall be paid by the Commission to the Receiver General.

16. A Commission may, with the approval of the Minister of Finance, invest in bonds or other obligations of Her Majesty in right of Canada or any province or of any municipality in Canada any moneys in its reserves or any moneys not immediately required for the purpose of the Commission.

Powers to invest.

17. (1) A Commission shall

Accounts.

- (a) keep accounts of all moneys borrowed, received and expended by it under this Act, and
- (b) account therefor to the Minister within three months after the end of each fiscal year of the Commission,

in such form and manner as the Minister may direct.

(2) All books, accounts, records and documents of the Commission shall be at all reasonable times open for inspection by the Minister or by a person authorized by the Minister for such purpose, or, in the case of a municipality having a substantial interest in the harbour, as determined by the Minister, by the auditors of such municipality.

Inspection of accounts.

18. Where a Commission is authorized by the Governor in Council to develop, administer or lease any property owned by Her Majesty in right of Canada within the limits of or in the vicinity of a harbour, all moneys paid to the Commission in respect of that property shall, notwithstanding the *Financial Administration Act*, form part of the revenues of the Commission.

Moneys obtained from use of Crown property to form part of Commission's revenues.

EXPROPRIATION.

19. A Commission may, with the approval of the Governor in Council, take or acquire lands for the purposes of this Act without the consent of the owner where it is unable to agree with the owner as to the price to be paid therefor, and the provisions of the *Railway Act* relating to the taking of lands by railway companies are, *mutatis mutandis*, applicable to the acquisition of such lands by the Commission.

Expropriation.

PAYMENTS OF RATES.

20. The rates imposed by by-law upon the cargo of a vessel shall be paid by the master or person in charge of the vessel, without prejudice to any recourse he may have

Payment of rates imposed on cargoes of vessels.

by law against any other person for the recovery of the amounts so paid, but the Commission may demand and recover the rates from the owners, consignees, agents or shippers of such cargo.

SEIZURES.

Seizure of
vessels or
goods.

21. Where

- (a) any amount is due to a Commission for rates in respect of a vessel or goods, or
- (b) the owner or person in charge of a vessel or goods has in respect of that vessel or those goods violated the provisions of any by-law,

a Commission may on the order of any county or district court or any magistrate having jurisdiction in the area in which the goods or vessel are located seize that vessel or those goods.

Detention
of vessels
or goods.

22. Any vessel or goods seized pursuant to section 21 may be detained until there have been paid in full

- (a) all amounts due and all penalties incurred in respect thereof;
- (b) all proper and reasonable costs and charges incurred in the seizure and detention; and
- (c) all court costs in respect thereof.

Sale of
detained
goods.

23. Where, in the opinion of the Chief Executive Officer of a Commission, goods seized by the Commission pursuant to section 21 will rot, spoil or otherwise perish, he may order the sale of those goods in such manner and for such price as he may determine and the proceeds of that sale shall be credited towards payment of the amounts described in section 22.

EVIDENCE.

Evidence of
by-laws.

24. (1) A copy of a by-law of a Commission under its seal and purporting to be signed by a member or the Chief Executive Officer of the Commission is evidence of that by-law in all courts.

Evidence of
harbour
limits.

(2) A Commission may erect marks or signs to indicate the limits of its harbour and every mark or sign so erected is evidence of the limits of that harbour in all courts.

GENERAL.

Pecuniary
dealings
with
members
prohibited.

25. A Commission shall not enter into any transaction of a pecuniary nature directly or indirectly with any member of the Commission.

26. Proceedings in respect of any violation of a provision in any by-law made under this Act may be initiated at any time within one year after the time when the subject matter of the proceedings arose.

Limitation
of actions.

27. The Governor in Council may order any Commission established pursuant to this Act to wind up its affairs and may by proclamation dissolve any Commission in respect of which such an order has been made: Provided that such order or proclamation shall become effective only upon the expiration of ninety days from the date of the publication thereof in the *Canada Gazette*.

Winding
up of a Com-
mission.

Proviso.

28. The Governor in Council may authorize a Commission to administer and develop on behalf of Her Majesty in right of Canada any property owned by Her Majesty in right of Canada within the limits of or in the vicinity of the harbour on such terms and conditions as the Governor in Council may determine.

Governor in
Council may
authorize
development,
etc., of
Crown lands.

29. Any work undertaken by or on behalf of the Commission affecting the use of any navigable waters is subject to the *Navigable Waters Protection Act*.

Works of
Commission
subject to
*Navigable
Waters
Protection
Act*.

TRANSITIONAL.

30. (1) Subject to subsection (2), the Governor in Council may by proclamation declare a Commission set out in the Schedule hereto to be established pursuant to this Act as of the day fixed in the proclamation, define the limits of the harbour for which that Commission is so declared to be established, and declare the Act set out in the Schedule establishing that Commission to be repealed as of that day.

Procedure for
bringing
existing
Commission
under Act.

(2) No proclamation shall be issued pursuant to subsection (1) unless the Governor in Council has received

Issue of
proclamation.

(a) a by-law passed by the Commission requesting the Governor in Council to declare the Commission to be established pursuant to this Act; and

(b) a resolution or resolutions approving such by-law, passed by the council of any municipality having power to appoint or to participate in the appointment of a member of the Commission, or where there is more than one such municipality, by the councils of a majority of such municipalities.

(3) The persons who, on the day fixed in a proclamation issued pursuant to subsection (1), hold office

Members of
Commissions
continued.

as chairman or member of a Commission established by the Act set out in that proclamation shall be deemed to have been appointed chairman or member of that Commission respectively under this Act for the then unexpired portion of their terms.

Commissions
to be one
and same
corporation

(4) A Commission established by an Act set out in the Schedule hereto that is declared by proclamation of the Governor in Council to be a Commission established pursuant to this Act shall be deemed for all purposes to be one and the same Commission, and from the day fixed in that proclamation the provisions of this Act shall apply to and in respect of that Commission in all respects.

Interim
application
of certain
enactments.

31. Notwithstanding anything in the *Government Harbours and Piers Act* or Part X of the *Canada Shipping Act*, where that Act or Part would apply to any harbour but for the establishment pursuant to this Act of a Commission for that harbour, that Act or Part shall continue to apply to that harbour until the day on which any by-laws made by the Commission under section 13 of this Act become effective.

SCHEDULE.

The New Westminster Harbour Commissioners Act, chapter 158 of the Statutes of Canada, 1913.

The North Fraser Harbour Commissioners Act, chapter 162 of the Statutes of Canada, 1913.

The Port Alberni Harbour Commissioners Act, chapter 42 of the Statutes of Canada, 1947.

The Belleville Harbour Commissioners Act, chapter 34 of the Statutes of Canada, 1952.

Windsor Harbour Commissioners Act, chapter 38 of the Statutes of Canada, 1957.

Lakehead Harbour Commissioners Act, chapter 34 of the Statutes of Canada, 1958.

Nanaimo Harbour Commissioners Act, chapter 19 of the Statutes of Canada, 1960.

Oshawa Harbour Commissioners Act, chapter 21 of the Statutes of Canada, 1960.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA 1964

13 ELIZABETH II.

CHAP. 33

An Act to repeal certain Acts of the Province of Newfoundland respecting Harbours and Pilotage.

[Assented to 20th November, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. *An Act respecting Outport Pilots and Pilotage*, Chapter 179 of the Consolidated Statutes of Newfoundland, 1916, and *The Outport Pilots and Pilotage Act*, Chapter 215 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the Outport Pilots and Pilotage Acts.

2. *An Act respecting the Management and Control of Harbours*, No. 34 of the Statutes of Newfoundland, 1934, and *The Management and Control of Harbours Act*, Chapter 216 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the Management and Control of Harbours Acts.

3. *An Act respecting Pilotage and to provide for regulations for the Port and Harbour of St. John's*, No. 1 of the Statutes of Newfoundland, 1946, and *The Port and Harbour of St. John's Act*, Chapter 217 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the Port and Harbour of St. John's Acts.

4. *An Act respecting the Management and Control of the Harbour of Port-aux-Basques*, Chapter 182 of the Consolidated Statutes of Newfoundland, 1916, and *The Port and Harbour of Port-aux-Basques Act*, Chapter 218 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the Port and Harbour of Port-aux-Basques Acts.

Coming
into force.

5. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 34

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1965.

[Assented to 2nd December, 1964.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1965, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 10, 1964*.

Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, fifty-three million, eight hundred and thirty-two thousand, nine hundred and eight dollars and sixty-nine cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1964 to the 31st day of March, 1965, not otherwise provided for, and being the aggregate of

\$1,053,832,-
908.69
granted for
1964-65.

- (a) the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1965, as contained in Schedule A, less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1964*, the *Appropriation Act No. 5, 1964*, the *Appropriation Act No. 6, 1964*, the *Appropriation Act No. 8, 1964*, and the *Appropriation Act No. 9, 1964*, \$918,875,269.38;

- (b) the total of the amounts of the items set forth in the Supplementary Estimates (A) for the fiscal year ending the 31st day of March, 1965 (except National Defence Item 56a and Loans, Investments and Advances Item L17a, which were authorized by *Appropriation Act No. 7, 1964*), as contained in Schedule B, less the amounts voted on account of the said items by the *Appropriation Act No. 6, 1964*, the *Appropriation Act No. 8, 1964*, and the *Appropriation Act No. 9, 1964*, \$30,532,935.40;
- (c) the total of the amounts of the items set forth in the Supplementary Estimates (B) for the fiscal year ending the 31st day of March, 1965, as contained in Schedule C, less the amounts voted on account of the said items by the *Appropriation Act No. 9, 1964*, \$15,154,702.91;
- (d) the total of the amounts of the items set forth in the Supplementary Estimates (C) for the fiscal year ending the 31st day of March, 1965, as contained in Schedule D, \$89,270,001.00.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedules shall be deemed to have been enacted by Parliament on the 1st day of April, 1964.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered. R.S., c. 116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1964-65. The amount hereby granted is \$918,875,269.38, being the total of the amounts of the items in the said Estimates (less the reduction of \$600,000 in Industry Item 1) as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1964*, the *Appropriation Act No. 5, 1964*, the *Appropriation Act No. 6, 1964*, the *Appropriation Act No. 8, 1964*, and the *Appropriation Act No. 9, 1964*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | ADMINISTRATION | | |
| 1 | Departmental Administration including the National Coordinating Committee on Agricultural Services, contributions to Commonwealth Agricultural Bureaux and a contribution to the Agricultural Economics Research Council in an amount equal to the contributions of the Provinces but not exceeding \$50,000..... | 3,368,900 | |
| | RESEARCH | | |
| 5 | Administration, Operation and Maintenance including Canada's fee for membership in the International Society for Horticultural Science, an amount of \$145,000 for grants in aid of agricultural research in universities and other scientific organizations in Canada and the costs of publishing departmental research papers as supplements to the "Canadian Entomologist"..... | 24,609,400 | |
| 10 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 4,735,000 | |
| | PRODUCTION AND MARKETING | | |
| | Administration | | |
| 15 | Administration, Operation and Maintenance including the administration of the Agricultural Stabilization Act, and contributions to Agricultural Organizations to assist in the Marketing of Agricultural Products subject to the approval of Treasury Board..... | 2,190,400 | |
| | Animal and Animal Products | | |
| 20 | Administration, Operation and Maintenance including Canada's fee for membership in the International Dairy Federation.. | 6,218,300 | |
| 25 | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates..... | 10,527,400 | |
| | Plant and Plant Products | | |
| 30 | Administration, Operation and Maintenance..... | 5,486,400 | |
| 35 | Grants, Contributions and Subsidies as detailed in the Estimates..... | 20,275,800 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | AGRICULTURE (Concluded) | | |
| | HEALTH OF ANIMALS | | |
| 40 | Administration, Operation and Maintenance including Canada's fee for membership in the Office International des Epizooties, and authority, notwithstanding the Financial Administration Act, to spend revenue received during the year from packers requiring special services..... | 11,954,900 | |
| 45 | Grants, Contributions and Subsidies as detailed in the Estimates..... | 1,465,000 | |
| | BOARD OF GRAIN COMMISSIONERS | | |
| 50 | Administration, Operation and Maintenance including authority to purchase screenings..... | 6,759,700 | |
| | LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS | | |
| | Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project, the Prairie Farm Rehabilitation Act Program, Land Protection, Reclamation and Development, the Maritime Marshland Rehabilitation Act Program and the Agricultural Rehabilitation and Development Act Program— | | |
| 55 | Administration, Operation and Maintenance..... | 9,317,600 | |
| 60 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 21,146,000 | |
| 65 | Payments in respect of projects and programs under the Agricultural Rehabilitation and Development Act, and payments to Provinces pursuant to agreements entered into under that Act..... | 12,000,000 | |
| | | | 140,054,800 |
| | ATOMIC ENERGY | | |
| | ATOMIC ENERGY CONTROL BOARD | | |
| 1 | Administration Expenses of the Atomic Energy Control Board | 159,000 | |
| 5 | Grants for Researches and Investigations with respect to Atomic Energy..... | 1,250,000 | |
| | ATOMIC ENERGY OF CANADA LIMITED (RESEARCH PROGRAM) | | |
| 10 | Current Operation and Maintenance including expendable research equipment..... | 34,861,400 | |
| 15 | Construction or Acquisition of Buildings, Works, Land and Equipment and to authorize Central Mortgage and Housing Corporation to undertake construction of works near the Whiteshell Nuclear Research Establishment for Atomic Energy of Canada Limited..... | 10,306,600 | |
| | | | 46,577,000 |
| | AUDITOR GENERAL'S OFFICE | | |
| 1 | Salaries and Expenses of Office..... | | 1,366,700 |
| | BOARD OF BROADCAST GOVERNORS | | |
| 1 | Salaries and other Expenses..... | | 374,200 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | CANADIAN BROADCASTING CORPORATION | | |
| | CANADIAN BROADCASTING CORPORATION | | |
| 1 | Grant in respect of the net operating amount required to discharge the responsibilities of the national broadcasting service..... | 85,900,000 | |
| | INTERNATIONAL BROADCASTING SERVICE | | |
| 5 | International Broadcasting Service including authority to credit to the appropriation revenue from the rental of facilities in Montreal, Sackville and Vancouver to an amount of \$427,000 and to re-expend these moneys for the purposes of the International Broadcasting Service..... | 2,100,000 | 88,000,000 |
| | OFFICE OF THE CHIEF ELECTORAL OFFICER | | |
| 1 | Salaries and Expenses of Office..... | | 106,000 |
| | CITIZENSHIP AND IMMIGRATION | | |
| 1 | Departmental Administration..... | 1,130,500 | |
| | CITIZENSHIP | | |
| 5 | Administration, Operation and Maintenance including grants and contributions for language instruction and citizenship promotion..... | 1,715,000 | |
| | IMMIGRATION | | |
| 10 | Administration, Operation and Maintenance, including trans-oceanic and inland transportation and other assistance for immigrants and settlers subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces, pursuant to agreements entered into, with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants and \$10,000 for grants to Immigrant Welfare Organizations..... | 13,552,200 | |
| | INDIAN AFFAIRS | | |
| 15 | Administration, Operation and Maintenance including expenditures on works on other than federal property, grants and contributions as detailed in the Estimates, recoverable expenditures under agreements entered into with the approval of the Governor in Council with the Governments of the Provinces and Territories and with local School Boards in respect of social assistance to persons residing on Indian reserves other than Indians and the education in Indian schools of children other than Indian children, and to authorize the Minister of Citizenship and Immigration to provide, in respect of Indian commercial activities, for the instruction and supervision of Indians, the furnishing of materials, the purchase of finished goods and, notwithstanding any other Act, the sale of such finished goods..... | 47,742,400 | |
| 20 | Construction or Acquisition of Buildings, Works, Land and Equipment including expenditures on works on other than federal property, assistance to Indians and Indian Bands for the construction or acquisition of housing and other buildings and related works, land and equipment and recoverable expenditures under agreements entered into with the approval of the Governor in Council with the Governments of Provinces and Territories and with local School Boards in respect of the education in Indian schools of children other than Indian children..... | 12,400,000 | 76,540,100 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | CIVIL SERVICE COMMISSION | | |
| 1 | Salaries and Contingencies of the Commission including compensation in accordance with the Suggestion Award Plan of the Public Service of Canada..... | | 5,516,500 |
| | DEFENCE PRODUCTION | | |
| | A—DEPARTMENT | | |
| 1 | Departmental Administration including the care, maintenance and custody of standby defence plants, buildings, machine tools and production tooling and grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors..... | 15,324,200 | |
| 5 | For the establishment of production capacity and for capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to the approval of Treasury Board..... | 1,046,000 | |
| 10 | To establish qualified sources for the production of component parts and materials, subject to the approval of Treasury Board, and to authorize, notwithstanding section 30 of the Financial Administration Act, total commitments of \$1,200,000 for the foregoing purposes during the current and subsequent fiscal years..... | 450,000 | |
| 15 | Directorate of Printing—Administration and Plant Equipment and Replacements..... | 979,000 | 17,799,200 |
| | B—EMERGENCY MEASURES ORGANIZATION | | |
| 20 | Administration and Operation..... | 2,600,000 | |
| 25 | Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances not exceeding in the aggregate the amounts of the shares of the governments of the Provinces of the costs of joint programs..... | 2,096,000 | |
| 30 | Grants to Provinces and Municipalities for Civil Defence and related purposes and authority to make recoverable advances in accordance with terms and conditions approved by the Treasury Board..... | 5,600,000 | 10,296,000 |
| | C—CROWN COMPANIES | | |
| 35 | Expenses incurred by Defence Construction (1951) Limited in procuring the construction of defence projects on behalf of the Department of National Defence and procuring the construction of such other projects as are approved by Treasury Board..... | 2,318,000 | |
| | Canadian Arsenals Limited— | | |
| 40 | Administration and Operation..... | 2,500,000 | |
| 45 | Construction, Improvements and Equipment..... | 336,000 | 5,154,000 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| 1 | Administration, Operation and Maintenance including payment of remuneration, subject to the approval of the Governor in Council and notwithstanding the Civil Service Act, in connection with the assignment by the Canadian Government of Canadians to the staffs of the International Organizations detailed in the Estimates (part recoverable from those Organizations) and authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of those Organizations of such expenses, and authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of Commissioners (International Commissions for Supervision and Control in Indo-China), Secretaries and staff by the Governor in Council; official hospitality; relief and repatriation of distressed Canadian citizens abroad and their dependents and reimbursement of the United Kingdom for relief expenditures incurred by its diplomatic and consular posts on Canadian account (part recoverable); Canadian representation at International Conferences; expenses of the Third Commonwealth Education Conference; a cultural relations and academic exchange program with the French Community, and grants as detailed in the Estimates..... | 10,826,300 | |
| 5 | Representation Abroad—Operational—including authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff by the Governor in Council..... | 14,679,000 | |
| 10 | Representation Abroad—Construction, acquisition or improvement of buildings, works, land, equipment and furnishings, and to the extent that blocked funds are available for these expenditures, to provide for payment from these foreign currencies owned by Canada and provided only for governmental or other limited purposes..... | 1,801,000 | |
| 15 | Contributions to International Multilateral Economic and Special Aid Programs as detailed in the Estimates, including authority to pay such amounts as are specified in U.S. dollars notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December 1963, which is..... | 9,582,000 | |
| 20 | Other payments to International Organizations and Programs, as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1963, which is..... | 965,500 | |
| 25 | Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1963, which is..... | 9,433,900 | |
| | External Aid Office— | | |
| 30 | Salaries and Expenses..... | 796,600 | |
| 35 | Economic, technical, educational and other assistance as detailed in the Estimates..... | 75,600,000 | |
| | | | 123,684,300 |
| | B—INTERNATIONAL JOINT COMMISSION | | |
| 40 | Salaries and Expenses of the Commission and Canada's share of the expenses of studies, surveys and investigations of the Commission..... | | 151,500 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | FINANCE | | |
| | ADMINISTRATION | | |
| 1 | Departmental Administration including administration of the Farm Improvement Loans Act, the Veterans' Business and Professional Loans Act, the Fisheries Improvement Loans Act, the Prairie Grain Producers' Interim Financing Act, the Prairie Grain Loans Act, the Small Businesses Loans Act, the salaries and expenses of the Inspector General of Banks' Office, and grants as detailed in the Estimates. | 2,710,400 | |
| | SUBSIDIES AND OTHER PAYMENTS TO PROVINCES | | |
| 5 | Payments, computed in accordance with terms and conditions approved by the Governor in Council, to the Government of each Province, in respect of income tax paid by corporations whose main business is the distribution to or generation for distribution to the public of electrical energy, gas or steam; the said payments to be made in respect of such part of the income of the corporations for the taxation year ending in the calendar year 1962 (as determined under and for the purposes of the Income Tax Act) as is derived from the said distribution or generation in the Province to which payment is made..... | 10,600,000 | |
| | GOVERNMENT ADMINISTRATION | | |
| 10 | Grants to Municipalities in accordance with the Municipal Grants Act and Regulations made thereunder..... | 29,700,000 | |
| 15 | Contingencies—Subject to the approval of the Treasury Board, (a) to supplement the payroll provisions of other votes; (b) for miscellaneous minor or unforeseen expenses; and (c) for awards under the Public Servants Inventions Act; including authority to re-use any sums repaid to this appropriation from other appropriations..... | 6,000,000 | |
| 20 | Government's share of surgical-medical insurance premiums and Government's contributions to pension plans and death benefit plans for employees engaged locally outside Canada who are excluded from the Public Service Superannuation Act, to the Unemployment Insurance Fund in respect of Government employees paid through the Central Pay Office and to the Hospital Insurance (Outside Canada) Plan..... | 11,365,000 | |
| | COMPTROLLER OF THE TREASURY | | |
| 25 | Administration, including the administration of the Superannuation and Retirement Acts..... | 24,692,500 | |
| | TARIFF BOARD | | |
| 30 | Administration..... | 238,800 | |
| | ROYAL CANADIAN MINT | | |
| 35 | Administration, Operation and Maintenance..... | 2,344,600 | |
| 40 | Construction or Acquisition of Equipment..... | 231,700 | |
| | MUNICIPAL DEVELOPMENT AND LOAN BOARD | | |
| 45 | Administration..... | 221,000 | |
| | | | 88,104,000 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | FISHERIES | | |
| 1 | Departmental Administration, including grants and contributions as detailed in the Estimates..... | 1,159,000 | |
| | FISHERIES MANAGEMENT AND DEVELOPMENT | | |
| 5 | Operation and Maintenance including Canada's share of the expenses of the International Commissions detailed in the Estimates and of the costs of programs and projects shared jointly with the Provinces and industry..... | 12,949,100 | |
| 10 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 1,737,900 | |
| 15 | Grants, contributions and subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates..... | 1,050,000 | |
| | FISHERIES RESEARCH BOARD OF CANADA | | |
| 20 | Administration, Operation and Maintenance including an amount of \$75,000 for grants for Fisheries Research and for Scholarships and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the International Great Lakes Fishery Commission of the cost of work on lamprey control and lamprey research..... | 5,865,000 | |
| 25 | Construction or Acquisition of Buildings, Works, Land, and Equipment..... | 1,693,000 | |
| | | | 24,454,000 |
| | FORESTRY | | |
| 1 | Departmental Administration, including grants as detailed in the Estimates..... | 1,381,000 | |
| 3 | Construction of extension to Research Laboratory in Pointe Claire, Quebec, for use by the Pulp and Paper Research Institute of Canada..... | 600,000 | |
| 5 | Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates..... | 7,910,000 | |
| | FOREST RESEARCH | | |
| 10 | Operation and Maintenance..... | 2,246,000 | |
| 15 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 396,000 | |
| | FOREST ENTOMOLOGY AND PATHOLOGY | | |
| 20 | Operation and Maintenance..... | 3,829,000 | |
| 25 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 1,441,000 | |
| | FOREST PRODUCTS RESEARCH | | |
| 30 | Operation and Maintenance..... | 1,224,200 | |
| 35 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 425,500 | |
| | | | 19,452,700 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | GOVERNOR GENERAL AND LIEUTENANT- GOVERNORS | | |
| 1 | Office of the Secretary to the Governor General..... | 297,900 | |
| 5 | To authorize reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties up to a maximum per annum for each as detailed in the Estimates..... | 142,500 | 440,400 |
| | INDUSTRY | | |
| 1 | Departmental Administration, including grants as detailed in the Estimates..... | 4,077,100 | |
| 5 | To sustain technological capability in Canadian industry by sup- porting selected defence development programs, on terms and conditions approved by Treasury Board, and to author- ize, notwithstanding section 30 of the Financial Administra- tion Act, total commitments of \$50,000,000 for the foregoing purposes during the current and subsequent fiscal years.... | 19,500,000 | 23,577,100 |
| | INSURANCE | | |
| 1 | Departmental Administration..... | | 877,200 |
| | JUSTICE | | |
| | LEGAL AND OTHER SERVICES | | |
| 1 | Administration including the Office of the Superintendent of Bankruptcy, grants and contributions as detailed in the Estimates, gratuities to the widows or other dependents of Judges who die while in office and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory..... | 2,109,600 | |
| 5 | Combines Investigation Act—Administration..... | 719,000 | |
| | CORRECTIONAL SERVICES | | |
| 10 | Administration, Operation and Maintenance including compensa- tion to discharged inmates permanently disabled while in penitentiaries..... | 24,008,700 | |
| 15 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 16,110,000 | 42,947,300 |
| | LABOUR | | |
| | A—DEPARTMENT | | |
| 1 | General Administration, including grants as detailed in the Estimates; the expenses of the International Labour Confer- ences; the promotion of labour-management co-operation; the promotion of a program for the employment of the older worker; the promotion of a program for combatting seasonal unemployment; the organization and use of workers for farming and related industries; and the manpower consul- tative service..... | 4,243,100 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-------------|-------------|
| | | \$ | \$ |
| | LABOUR (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| 5 | Payments to carry out the purposes of the Vocational Rehabilitation of Disabled Persons Act and agreements made thereunder, including undischarged commitments under previous agreements; payments in accordance with terms and conditions approved by the Governor in Council to employers of 50% of monthly wage paid or \$75 per month, whichever is less, on behalf of each full time worker 45 years of age or over engaged during the period November 1, 1963 to March 31, 1964, and who is otherwise eligible under the older worker employment and training incentive program; payments to Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council for the organization and use of workers for farming and related industries; and to authorize payments in accordance with agreements entered into with the approval of the Governor in Council by the Minister of Labour with Provinces, employers and workers in respect of labour mobility and assessment incentives..... | 4,910,000 | |
| | TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE | | |
| 10 | Administration..... | 699,300 | |
| 15 | To carry out the purposes of the Technical and Vocational Training Assistance Act and agreements made thereunder— Payments to the Provinces..... | 100,409,600 | |
| | ANNUITIES ACT | | |
| 20 | Administration and Government's Contribution to Annuities Agents Pension Account in accordance with Regulations made pursuant to Vote 181, Appropriation Act No. 5, 1961.. | 1,229,500 | |
| | GOVERNMENT EMPLOYEES COMPENSATION | | |
| 25 | Administration of the Government Employees Compensation Act..... | 130,000 | |
| | | | 111,621,500 |
| | B—UNEMPLOYMENT INSURANCE COMMISSION | | |
| 30 | Administration of the Unemployment Insurance Act including the transfer of labour to places where employment is available and expenses incidental thereto in accordance with Regulations of the Governor in Council..... | | 53,351,300 |
| | LEGISLATION | | |
| | THE SENATE | | |
| | Members of the Senate— | | |
| 1 | Allowance in lieu of residence to the Speaker of the Senate. | 3,000 | |
| 5 | General Administration..... | 932,600 | |
| | HOUSE OF COMMONS | | |
| | Members of the House of Commons— | | |
| 10 | Allowances in lieu of residence to the Speaker of the House of Commons, and in lieu of Apartments to the Deputy Speaker of the House of Commons; allowance to the Deputy Chairman of Committees..... | 6,500 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | LEGISLATION (Concluded) | | |
| | HOUSE OF COMMONS (Concluded) | | |
| 15 | Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates from other legislatures, Canada's fee for membership in the Inter-Parliamentary Union, Canada's share of the expenses of the Commonwealth Parliamentary Association including subscriptions to publications of the Association, and a grant of \$19,000 to the Canadian North Atlantic Treaty Organization Parliamentary Association..... | 62,720 | |
| 20 | General Administration..... | 4,266,700 | |
| | LIBRARY OF PARLIAMENT | | |
| 25 | General Administration..... | 399,700 | 5,671,220 |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | ADMINISTRATION SERVICES | | |
| 1 | Departmental Administration including the administration of the Explosives Act and Canada's fee for membership in the Pan-American Institute of Geography and History..... | 2,191,000 | |
| 5 | Construction or Acquisition of Buildings, Works, Land and Equipment including Common-use Field Survey Equipment..... | 458,000 | |
| | FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING | | |
| 10 | Administration, Operation and Maintenance including purchases of air photography and the expenses of the Interdepartmental Committee on Air Surveys, authority to make recoverable advances not exceeding the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights and a grant of \$1,000 to the Canadian Institute of Surveying..... | 6,785,000 | |
| | MARINE SURVEYS AND RESEARCH | | |
| 15 | Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau..... | 7,131,000 | |
| 20 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 3,360,000 | |
| | GEOLOGICAL RESEARCH | | |
| 25 | Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England and \$100,000 for grants in aid of Geological Research in Canadian Universities..... | 6,650,000 | |
| 30 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 394,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | MINES AND TECHNICAL SURVEYS (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| | MINING AND METALLURGICAL INVESTIGATIONS AND RESEARCH | | |
| 35 | Administration, Operation and Maintenance including Canada's share of the cost of the Commonwealth Committee on Mineral Processing and \$50,000 for grants in aid of Mining and Mineral Processing Research in Canadian Universities. | 4,985,000 | |
| 40 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 383,000 | |
| | GEOGRAPHICAL SURVEYS AND RESEARCH | | |
| 45 | Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union and a grant of \$500 to the Canadian Association of Geographers... | 653,000 | |
| | RESEARCH IN ASTRONOMY AND GEOPHYSICS | | |
| 50 | Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a grant of \$3,500 to the Royal Astronomical Society of Canada | 2,102,000 | |
| 55 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 944,000 | |
| | GENERAL | | |
| 60 | Polar Continental Shelf Project..... | 1,596,000 | 37,632,000 |
| | B—DOMINION COAL BOARD | | |
| 65 | Administration and Investigations of the Dominion Coal Board..... | 179,400 | |
| 70 | Payments in connection with the movements of coal under conditions prescribed by the Governor in Council, and subventions in respect of eastern coal under agreements entered into pursuant to the Atlantic Provinces Power Development Act..... | 15,815,000 | 15,994,400 |
| | NATIONAL DEFENCE | | |
| 1 | Departmental Administration, including grants to Military Associations, Institutes and other organizations as detailed in the Estimates and authority, notwithstanding section 30 of the Financial Administration Act, and subject to allotment by the Treasury Board, for total commitments of \$2,289,221,625 for the purposes of Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 42, 45 and 50 of this Department regardless of the year in which such commitments will come in course of payment (of which it is estimated that \$799,648,500 will come due for payment in future years) and authority to make recoverable advances under any of the said votes and, notwithstanding the Financial Administration Act, to spend revenue received during the year in respect of assistance rendered to the United Nations, any party of the North Atlantic Treaty Organization or any provincial or municipal government..... | 3,917,825 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-------------|-------|
| | | \$ | \$ |
| | NATIONAL DEFENCE (Continued) | | |
| | INSPECTION SERVICES | | |
| 5 | Operation and Maintenance..... | 7,134,300 | |
| 10 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 200,000 | |
| | ROYAL CANADIAN NAVY | | |
| 15 | Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment including authority, notwithstanding the Financial Administration Act and section 11 of the Surplus Crown Assets Act and subject to the approval of Treasury Board, to spend revenues received from the sale of surplus materials, supplies and equipment..... | 272,892,000 | |
| | CANADIAN ARMY | | |
| 20 | Operation and Maintenance including grants of \$1,800,000 to the Town of Oromocto and Construction or Acquisition of Buildings, Works, Land and Major Equipment including authority, notwithstanding the Financial Administration Act and section 11 of the Surplus Crown Assets Act and subject to the approval of Treasury Board, to spend revenues received from the sale of surplus materials, supplies and equipment..... | 425,894,000 | |
| | ROYAL CANADIAN AIR FORCE | | |
| 25 | Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment including authority, notwithstanding the Financial Administration Act and section 11 of the Surplus Crown Assets Act and subject to the approval of Treasury Board, to spend revenues received from the sale of surplus materials, supplies and equipment..... | 655,769,000 | |
| | DEFENCE RESEARCH AND DEVELOPMENT | | |
| | Defence Research Board— | | |
| 30 | Operation and Maintenance including authority, notwith- standing the Financial Administration Act and section 11 of the Surplus Crown Assets Act and subject to the approval of Treasury Board, to spend revenues received from the sale of surplus materials, supplies and equip- ment..... | 25,945,000 | |
| 35 | Construction or Acquisition of Buildings, Works, Land and Equipment including authority, notwithstanding the Financial Administration Act and section 11 of the Surplus Crown Assets Act and subject to the approval of Treasury Board, to spend revenues received from the sale of surplus materials, supplies and equipment.... | 5,061,000 | |
| 40 | To foster defence research in Canadian industry by supporting selected defence applied research programs, on terms and conditions approved by the Treasury Board..... | 4,150,000 | |
| 42 | Research Satellite Program—To provide for the design and instrumentation of a series of satellites to carry out a scien- tific research program agreed upon jointly by the United States National Aeronautical and Space Administration and the Defence Research Board..... | 2,933,000 | |
| 45 | Development..... | 20,990,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|---------------|
| | | \$ | \$ |
| | NATIONAL DEFENCE (Concluded) | | |
| | MUTUAL AID | | |
| 50 | Contributions to infrastructure and the military costs of the North Atlantic Treaty Organization and the transfer of defence equipment and supplies and the provision of services and facilities for defence purposes in accordance with section 3 of the Defence Appropriation Act, 1950, not exceeding a total of \$41,020,000 including the present value of defence equipment or supplies or the cost of services made available by the Canadian Forces estimated in the amount of \$8,420,000 and provided by appropriations for those Forces in the current and former years in respect of which, notwithstanding sub-section (3) of section 3 of the said Act, no amount shall be charged to this appropriation or paid into a special account; Provided by this vote..... | 32,600,000 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 55 | Civil Pensions as detailed in the Estimates and to authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payments to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act, as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organization..... | 7,322 | 1,457,493,447 |
| | NATIONAL FILM BOARD | | |
| 1 | Administration, Production and Distribution of Films and Other Visual Materials..... | 5,792,900 | |
| 5 | Acquisition of Equipment..... | 307,700 | 6,100,600 |
| | NATIONAL GALLERY OF CANADA | | |
| 1 | Administration, Operation and Maintenance, including the payment of \$243,000 to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the National Gallery Act, and grants as detailed in the Estimates..... | | 1,297,000 |
| | NATIONAL HEALTH AND WELFARE | | |
| | ADMINISTRATION | | |
| 1 | Departmental Administration..... | 2,099,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | NATIONAL HEALTH AND WELFARE (Concluded) | | |
| | HEALTH SERVICES | | |
| 5 | Administration, Operation and Maintenance, including grants as detailed in the Estimates..... | 7,239,450 | |
| 10 | To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$39,236,391..... | 31,000,000 | |
| 15 | To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$29,666,575..... | 20,000,000 | |
| | MEDICAL SERVICES | | |
| 20 | Administration, Operation and Maintenance including authority to make recoverable advances in amounts not exceeding in the aggregate the total of all amounts to be paid by the Governments of Provinces and Territories under agreements to be entered on terms approved by the Governor in Council with such Governments in respect of health assistance to persons residing on Indian Reserves other than Indians and to residents of the Territories other than Indians and Eskimos..... | 31,033,000 | |
| 25 | Construction or Acquisition of Buildings, Works, Land and Equipment including payments to hospitals and other institutions which care for Indians and Eskimos as contributions towards the construction of hospitals and related facilities..... | 3,449,000 | |
| | FOOD AND DRUG SERVICES | | |
| 30 | Administration, Operation and Maintenance..... | 4,093,000 | |
| 35 | Construction or Acquisition of Equipment..... | 241,000 | |
| | WELFARE SERVICES | | |
| 40 | Administration, Operation and Maintenance, including grants as detailed in the Estimates..... | 4,060,300 | |
| 45 | National Welfare Grants—To authorize, on terms and conditions approved by the Governor in Council, National Welfare Grants to Provinces and Welfare Agencies including Schools of Social Work, and to individuals in the form of scholarships and fellowships..... | 1,000,000 | 104,214,750 |
| | NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL | | |
| 1 | Salaries and Other Expenses..... | 26,086,600 | |
| 5 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 5,722,300 | |
| 10 | Scholarships and Grants in aid of research..... | 23,352,000 | |
| 15 | Assistance towards Research in Industry..... | 2,700,000 | 57,860,900 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | NATIONAL REVENUE | | |
| | CUSTOMS AND EXCISE | | |
| 1 | General Administration, Operation and Maintenance including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year from firms and individuals requiring special services..... | 44,388,500 | |
| | TAXATION | | |
| 5 | General Administration and District Offices..... | 42,703,000 | |
| | TAX APPEAL BOARD | | |
| 10 | Administration Expenses..... | 149,000 | 87,240,500 |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | ADMINISTRATION AND GENERAL | | |
| 1 | Departmental Administration including Federal share of the expenses of the Secretariat for the Canadian Council of Resource Ministers and \$120,000 for grants for northern research and for northern scientific research expeditions..... | 1,591,500 | |
| 5 | Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, to assist in the development of roads leading to resources..... | 8,625,000 | |
| 10 | Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Developments.. | 200,000 | |
| | NATIONAL PARKS | | |
| 15 | Administration, Operation and Maintenance including wildlife resources conservation and development, administration of the Migratory Birds Convention Act and payments to land owners who maintain migratory bird habitat in accordance with agreements entered into on terms and conditions approved by the Governor in Council, payment to the National Battlefields Commission for the purposes and subject to the provisions of an Act respecting the National Battlefields at Quebec and grants as detailed in the Estimates..... | 11,485,600 | |
| 20 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 14,253,600 | |
| | NATIONAL MUSEUM OF CANADA | | |
| 25 | Administration, Operation and Maintenance..... | 1,489,600 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES (Concluded) | | |
| | WATER RESOURCES | | |
| 30 | Administration, Operation and Maintenance including Canada's share of the expenses of the International Executive Council, World Power Conference, and authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of the Province of Manitoba and of the Province of Ontario of the cost of regulating the levels of Lake of the Woods and Lac Seul and the amount of the shares of provincial and outside agencies of the cost of hydro-metric surveys..... | 2,097,200 | |
| 35 | Construction or Acquisition of Buildings, Works, Land and Equipment and authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of provincial and outside agencies of the cost of hydro-metric surveys..... | 304,500 | |
| 40 | Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces..... | 8,950,000 | |
| | NORTHERN ADMINISTRATION | | |
| 45 | Administration, Operation and Maintenance, including grants and contributions as detailed in the Estimates, authority to make recoverable advances for services performed on behalf of the Governments of the Northwest Territories and the Yukon Territory, authority to sell electric power and fuel oil (and to provide services in respect thereof), in accordance with terms and conditions approved by the Governor in Council, to private consumers in remote locations where alternative local sources of supply are not available and to authorize the Minister of Northern Affairs and National Resources to provide, in respect of Eskimo commercial activities, for the instruction and supervision of Eskimos, the furnishing of materials, the purchase of finished goods and, notwithstanding any other Act, the sale of such finished goods..... | 22,524,700 | |
| 50 | Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Government of the Northwest Territories of expenditures on education and vocational training, authority to make recoverable advances in respect of services provided and work performed on other than federal property when only the Department is capable of performing such service or work, and authority for a program of construction or acquisition of housing for Eskimos and the sale of houses to Eskimos on such terms and conditions and at such prices as the Governor in Council may approve..... | 13,067,400 | 84,589,100 |
| | POST OFFICE | | |
| 1 | Postal Services including Canada's share of the upkeep of the International Bureaux at Berne and Montevideo..... | | 208,861,000 |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL | | |
| 1 | Maintenance and Operation of the Prime Minister's residence... | 32,500 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|------------|
| | | \$ | \$ |
| | PRIVY COUNCIL (Concluded) | | |
| | A—PRIVY COUNCIL (Concluded) | | |
| | PRIVY COUNCIL OFFICE | | |
| | Ministers without Portfolio— | | |
| 5 | Payment, notwithstanding anything in the Financial Administration Act or the Senate and House of Commons Act respecting the independence of Parliament, to each member of the Queen's Privy Council for Canada who is a Minister for whom no salary or allowance in addition to the allowances under section 33 and section 44 of the Senate and House of Commons Act is provided (the acceptance of which shall not render such member ineligible or disqualify him as a Member of the House of Commons) of a salary of \$7,500 per annum and pro rata for any period less than a year..... | 7,500 | |
| 10 | General Administration including a special grant of \$25,000 to the Stratford Shakespearian Festival Foundation of Canada..... | 995,000 | |
| 15 | Expenses of the Royal Commissions listed in the Details of the Estimates and the expenses of the Preparatory Committee on Collective Bargaining in the Public Service..... | 2,476,000 | |
| | CENTENNIAL COMMISSION | | |
| 20 | General Administration, including the National Conference on the Centennial of Confederation..... | 967,800 | |
| 25 | Programs and Projects of National Significance including grants towards such Programs and Projects..... | 2,500,000 | |
| 30 | Payment to the Centennial of Confederation Fund to enable grants to be made to the Provinces for local projects of a lasting nature (the total of such grants not to exceed \$1 per capita of population per Province) and other Federal-Provincial centennial projects..... | 4,000,000 | |
| | | | 10,978,800 |
| | B—ECONOMIC COUNCIL OF CANADA | | |
| 35 | Administration..... | | 817,920 |
| | PUBLIC ARCHIVES AND NATIONAL LIBRARY | | |
| | A—PUBLIC ARCHIVES | | |
| 1 | General Administration and Technical Services..... | | 840,400 |
| | B—NATIONAL LIBRARY | | |
| 5 | General Administration including a payment of \$100,000 to the National Library Purchase Account for the purpose of acquiring books, in conformity with section 12 of the National Library Act..... | | 469,300 |
| | PUBLIC PRINTING AND STATIONERY | | |
| 1 | Departmental Administration..... | 180,700 | |
| 5 | Printing, Binding and Distribution of Official Documents and Publications for sale and distribution to Departments and the Public including the <i>Canada Gazette</i> and the Annual Statutes, and the purchase for sale of such other publications and related material as the Treasury Board may approve.. | 2,766,400 | |
| | | | 2,947,100 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------------|
| | | \$ | \$ |
| | PUBLIC WORKS | | |
| | A—DEPARTMENT | | |
| 1 | General Administration, including grants as detailed in the Estimates..... | 12,114,500 | |
| | ACCOMMODATION SERVICES | | |
| 5 | Maintenance and operation of public buildings and grounds including the W. Clifford Clark Memorial Centre in Ottawa, the acquisition of office furniture and furnishings for government departments and authority to provide the International Civil Aviation Organization with office accommodation at less than commercial rates..... | 55,284,400 | |
| 10 | Acquisition of equipment and furnishings other than office furnishings..... | 1,454,000 | |
| 15 | Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates..... | 29,967,000 | |
| | HARBOURS AND RIVERS ENGINEERING SERVICES | | |
| 20 | Operation and Maintenance..... | 6,602,900 | |
| 25 | Construction or Acquisition of Equipment..... | 1,056,100 | |
| 30 | Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates..... | 20,821,000 | |
| | ROADS, BRIDGES AND OTHER ENGINEERING SERVICES | | |
| 35 | Operation and Maintenance including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the operating expenses of the New Westminster Bridge..... | 321,800 | |
| 40 | International, Interprovincial and Other Bridges and related Works listed in the Details of the Estimates, provided that the amount within the Vote to be expended on individually listed projects may be increased or decreased subject to the approval of Treasury Board..... | 2,870,000 | |
| 45 | Northwest Highway System—Maintenance, Operation and Reconstruction..... | 10,000,000 | |
| 50 | Trans-Canada Highway— Construction through National Parks..... | 307,000 | |
| | TESTING LABORATORIES | | |
| 55 | Operation and Maintenance..... | 1,079,000 | |
| | | | 141,877,700 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | PUBLIC WORKS (Concluded) | | |
| | B—NATIONAL CAPITAL COMMISSION | | |
| 80 | Operation and Maintenance, General Administration and interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region..... | 5,420,000 | |
| 65 | Payment to the National Capital Fund..... | 4,500,000 | 9,920,000 |
| | C—CANADIAN CORPORATION FOR THE 1967 WORLD EXHIBITION | | |
| 70 | Towards Federal share of the cost of construction of an ice control structure..... | | 4,000,000 |
| | ROYAL CANADIAN MOUNTED POLICE | | |
| 1 | National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under contract—Administration, Operation and Maintenance, including grants as detailed in the Estimates and pensions to families of members of the Royal Canadian Mounted Police who have lost their lives while on duty..... | 60,554,894 | |
| 5 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 3,811,000 | 64,365,894 |
| | SECRETARY OF STATE | | |
| | A—DEPARTMENT | | |
| 1 | Departmental Administration..... | 363,600 | |
| 5 | Companies and Corporations Branch..... | 167,300 | |
| 10 | Translation Bureau..... | 1,994,000 | |
| 15 | Patent Division, Copyright and Industrial Designs Division and Trade Marks Office including contributions to the International Office for the Protection of Literary and Artistic Works and the International Office for the Protection of Industrial Property and authority for the Governor in Council, notwithstanding the Patent Act, to prescribe (a) the fee payable on filing an application for patent, the fee payable on grant of a patent, and the fee payable on petition to re-issue a patent after surrender, which fees shall be deemed, for the purposes of the Patent Act, to be the fees set forth in section 75 thereof; and (b) renewal fees, payable during the term of each patent issued on an application filed after a date to be set by Order in Council, such fees to be a prerequisite for the maintenance of the patent rights notwithstanding section 49 of the Patent Act..... | 2,810,100 | 5,335,000 |
| | B—ATLANTIC DEVELOPMENT BOARD | | |
| 20 | Administration and Operation..... | | 508,300 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | TRADE AND COMMERCE | | |
| | A—DEPARTMENT | | |
| | GENERAL ADMINISTRATION | | |
| 1 | Departmental Administration including fees for membership in the International Organizations listed in the Details of the Estimates..... | 5,180,500 | |
| | Trade Commissioner Service— | | |
| 5 | Administration, Operation and Maintenance..... | 6,500,000 | |
| 10 | Exhibitions Branch..... | 2,190,700 | |
| 12 | Participation in the Canadian Universal and International Exhibition, Montreal, 1967..... | 970,000 | |
| 15 | Canadian Government Travel Bureau—To assist in promoting the Tourist Business in Canada including a grant of \$37,000 to the Canadian Tourist Association..... | 4,907,300 | |
| | STANDARDS BRANCH | | |
| 20 | Administration and Operation..... | 3,372,100 | |
| | DOMINION BUREAU OF STATISTICS | | |
| 25 | Administration and Operation including the fee for membership in the Inter-American Statistical Institute and a contribution of \$500 to the International Statistical Institute..... | 12,436,000 | |
| 26 | 1961 Decennial Census of Canada..... | 733,700 | |
| 27 | 1966 Quinquennial Census of Canada..... | 26,100 | |
| | | | 36,316,400 |
| | B—NATIONAL ENERGY BOARD | | |
| 30 | Administration..... | | 734,000 |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| 1 | Departmental Administration (including the former Vote for the operation and maintenance of Official Railway Cars)... | 3,773,800 | |
| | MARINE SERVICES | | |
| 5 | Administration, Operation and Maintenance including fees for membership in the international organizations listed in the details of the Estimates, pensions, grants and contributions as detailed in the Estimates, the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in section 306 of the Canada Shipping Act and, in respect of the Canadian Coast Guard Service, authority to make recoverable advances for transportation, stevedoring and other shipping services performed on behalf of individuals, outside agencies and other governments and authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year not to exceed a total amount of \$23,774,400..... | 38,249,400 | |
| 10 | Construction or Acquisition of Buildings, Works, Land, Vessels and Equipment including payments to Provinces or Municipalities as contributions towards construction done by those bodies..... | 31,942,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------|
| | | \$ | \$ |
| | TRANSPORT (Continued) | | |
| | A—DEPARTMENT (Continued) | | |
| | RAILWAYS AND STEAMSHIPS | | |
| 15 | Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1964 in respect of the following services: Newfoundland Ferry and Terminals; Prince Edward Island Car Ferry and Terminals; Yarmouth, N.S.—Bar Harbor, Maine, U.S.A., Ferry Service..... | 13,132,300 | |
| 20 | Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects..... | 8,338,700 | |
| 25 | Payments in respect of the Maritime Freight Rates Act and for supplemental pension allowances to railway employees in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates..... | 15,045,400 | |
| | AIR SERVICES | | |
| 30 | General Administration..... | 6,242,300 | |
| | Civil Aviation | | |
| 35 | Administration, Operation and Maintenance including the administration of the Aeronautics Act and Regulations issued thereunder..... | 38,008,600 | |
| 40 | Construction or Acquisition of Buildings, Works, Land and Equipment with respect to national airports (as determined by the Minister of Transport) and related facilities; contributions towards construction done by local or private authorities with respect to such airports, amounts to be paid in settlement of claims for compensation by persons whose property is injuriously affected by the operation of a zoning regulation made under authority of paragraph (j) of subsection (1) of section 4 of the Aeronautics Act, and authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year not to exceed a total amount of \$29,418,400..... | 26,359,000 | |
| 45 | Contributions to assist in the establishment or improvement of local airports and related facilities, payments to the Other Governments or International Agencies that are detailed in the Estimates for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the estimated equivalent in Canadian dollars, and other grants as detailed in the Estimates for the development of civil aviation..... | 674,900 | |
| | Telecommunications and Electronics | | |
| 50 | Administration, Operation and Maintenance including the administration of the Radio Act and Regulations issued thereunder and Canada's share of the costs of the international radio, telegraph and telephone organizations listed in the Details of the Estimates..... | 25,884,800 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------------|
| | | \$ | \$ |
| | TRANSPORT (Continued) | | |
| | A—DEPARTMENT (Concluded) | | |
| | AIR SERVICES (Concluded) | | |
| | Telecommunications and Electronics (Concluded) | | |
| 55 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 10,612,000 | |
| 60 | Payments to the Canadian National Railway Company of the difference between revenues and expenses in the operation and maintenance of telecommunication facilities as detailed in the Estimates in accordance with agreements entered into with the Company with the approval of the Governor in Council..... | 230,000 | |
| | Meteorological | | |
| 65 | Administration, Operation and Maintenance including Canada's assessment for membership in the World Meteorological Organization and \$100,000 for grants in aid of meteorological research in Canadian universities..... | 19,751,000 | |
| 70 | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 2,600,000 | 240,844,200 |
| | B—AIR TRANSPORT BOARD | | |
| 75 | Salaries and Other Expenses including the Canadian Delegation to the International Civil Aviation Organization..... | | 704,200 |
| | C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA | | |
| 80 | Administration, Operation and Maintenance..... | 1,302,900 | |
| 82 | Amount to be credited to the Railway Grade Crossing Fund, in addition to the amount to be credited to the Fund under the Railway Act in the current fiscal year, for the general purposes of the Fund and, notwithstanding section 30 of the Financial Administration Act, to authorize an increase to \$33,967,000 in the commitments (in addition to any commitments in respect of which amounts are appropriated under this or any other Act) that may be made in the current and subsequent fiscal years..... | 100,000 | 1,402,900 |
| | D—CANADIAN MARITIME COMMISSION | | |
| 85 | Administration of the Commission and the degaussing of Canadian Government Ships and Canadian-owned merchant ships, of 2,000 gross tons to 20,000 gross tons, of Canadian registry or of United Kingdom registry if subject to re-transfer to Canadian registry under special inter-governmental arrangement..... | 341,900 | |
| 90 | Steamship Subventions for Coastal Services, as detailed in the Estimates..... | 8,974,680 | |
| 95 | Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council..... | 28,000,000 | 37,316,580 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-------------|-----------|
| | | \$ | \$ |
| | TRANSPORT (Concluded) | | |
| | E—NATIONAL HARBOURS BOARD | | |
| 100 | Advances to National Harbours Board subject to the provisions of section 29 of the National Harbours Board Act, to meet reconstruction and capital expenditures during the calendar year 1964 as detailed in the Estimates..... | | 2,113,500 |
| | F—ST. LAWRENCE SEAWAY AUTHORITY | | |
| 105 | Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council, and to authorize, notwithstanding the Financial Administration Act or any other Act, the disbursement by the Authority of revenues derived from the operation and management of such Canals and Works..... | | 2,838,000 |
| | VETERANS AFFAIRS | | |
| 1 | Departmental Administration..... | 6,491,400 | |
| | WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS | | |
| 5 | Administration, including the expenses of the War Veterans Allowance Board, and grants as detailed in the Estimates.. | 4,097,200 | |
| 10 | War Veterans Allowances, Civilian War Allowances and Assistance in accordance with the provisions of the Assistance Fund (War Veterans Allowances) Regulations..... | 88,975,000 | |
| 15 | Other Benefits including treatment and related allowances, burials and memorials, the training of certain pensioners under regulations approved by the Governor in Council and repayments under subsection (3) of section 12 of the Veterans' Rehabilitation Act in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under that Act, where the persons who made the compensating adjustments or payments received no benefits under the Veterans' Land Act, or where, having had financial assistance under the Veterans' Land Act, are deemed by the Minister on termination of their Veterans' Land Act contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments..... | 5,340,100 | |
| | PENSIONS | | |
| 20 | Administration..... | 2,634,300 | |
| 25 | Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; Newfoundland Special Awards, and Gallantry Awards (World War II and Special Force)..... | 170,826,000 | |
| | TREATMENT SERVICES | | |
| 30 | Operation and Maintenance including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital, prosthetic and related services..... | 44,223,900 | |
| 35 | Hospital Construction, Improvements, Equipment and Acquisition of Land..... | 3,294,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------------|
| | | \$ | \$ |
| | VETERANS AFFAIRS (Concluded) | | |
| | SOLDIER SETTLEMENT AND VETERANS' LAND ACT | | |
| 40 | Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement; upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property, taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein..... | 4,330,600 | |
| 45 | Grants to veterans settled on Provincial lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act, grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Northern Affairs and National Resources under section 38 of the Veterans' Land Act and grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act..... | 150,000 | 330,362,500 |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | ATOMIC ENERGY OF CANADA LIMITED | | |
| L5 | Advances to Atomic Energy of Canada Limited in such amounts and on such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company) as the Governor in Council may approve, to finance the construction of the Douglas Point Generating Station; to finance the construction of housing and other works near the Whiteshell Nuclear Research Establishment; and to authorize Central Mortgage and Housing Corporation to undertake construction of housing and other works for Atomic Energy of Canada Limited.... | 12,277,000 | |
| | CANADIAN BROADCASTING CORPORATION | | |
| L10 | Loans to the Canadian Broadcasting Corporation for the purpose of capital expenditures subject to terms and conditions prescribed by the Governor in Council..... | 14,250,000 | |
| | FINANCE | | |
| L15 | Loan to the Ottawa Civil Service Recreational Association, on such terms and conditions as the Governor in Council may approve, to assist in the further development of the W. Clifford Clark Memorial Centre..... | 300,000 | |
| | NATIONAL REVENUE | | |
| | Central Mortgage and Housing Corporation | | |
| L20 | Advances to Central Mortgage and Housing Corporation for the purposes of subsection (1) of section 37 of the National Housing Act, 1954, in respect of the acquisition, development, construction and improvement of land and buildings. | 216,000 | |

SCHEDULE A—*Concluded*

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|----------------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES (Concluded) | | |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | Northern Canada Power Commission | | |
| L25 | Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with subsection (1) of section 15 of the Northern Canada Power Commission Act..... | 6,450,000 | |
| L30 | Advances in accordance with agreements entered into pursuant to the Atlantic Provinces Power Development Act..... | 8,384,000 | |
| | PUBLIC WORKS | | |
| | National Capital Commission | | |
| L35 | Loans to the National Capital Commission in accordance with section 16 of the National Capital Act for the purpose of acquiring property in the National Capital Region, excluding property being acquired for the purpose of establishing what is commonly referred to as the "Greenbelt"..... | 9,700,000 | |
| | TRANSPORT | | |
| | Canadian Overseas Telecommunication Corporation | | |
| L40 | Loans to the Canadian Overseas Telecommunication Corporation in accordance with section 14 of the Canadian Overseas Telecommunication Corporation Act for additions and betterments to facilities..... | 5,550,000 | |
| | National Harbours Board | | |
| L45 | Advances to National Harbours Board, subject to the provisions of section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1964 on any or all of the following accounts: Reconstruction and Capital Expenditures— Trois Rivières..... \$ 1,110,000 Montreal..... 6,924,000 Vancouver..... 1,847,000 \$ 9,881,000 Less—Amount to be expended from Replacement and Other Funds..... 6,811,000 | 3,070,000 | |
| | St. Lawrence Seaway Authority | | |
| L50 | Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve..... | 10,300,000 | |
| | VETERANS AFFAIRS | | |
| | Soldier Settlement and Veterans' Land Act | | |
| L55 | Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Soldier Settlement Act and the Veterans' Land Act..... | 38,400,000 | |
| | | | 108,897,000 |
| | | | *3,950,990,511 |

*Net total \$918,875,269.38.

SCHEDULE B.

Based on the Supplementary Estimates (A), 1964-65. The amount hereby granted is \$30,532,935.40, being the total of the amounts of the items in the said Estimates (except National Defence Item 56a and Loans, Investments and Advances Item L17a, authorized by *Appropriation Act No. 7, 1964*) as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 6, 1964*, the *Appropriation Act No. 8, 1964*, and the *Appropriation Act No. 9, 1964*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|---------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | ADMINISTRATION | | |
| 1a | Departmental Administration..... | 53,000 | |
| | PRODUCTION AND MARKETING | | |
| | Administration | | |
| 17a | Subsidies for Cold Storage Warehouses under the Cold Storage Act..... | 50,000 | |
| | Animal and Animal Products | | |
| 25a | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the subvote titles listed in the Details of Estimates..... | 387,177 | |
| | Plant and Plant Products | | |
| 35a | Grants, Contributions and Subsidies as detailed in the Estimates..... | 3,200 | |
| | | | 493,377 |
| | CITIZENSHIP AND IMMIGRATION | | |
| | CITIZENSHIP | | |
| 5a | Administration, Operation and Maintenance including grants and contributions for language instruction and citizenship promotion—To extend the purposes of Vote 5 of the Main Estimates for 1964-65 to include the grants to organizations detailed in these Estimates..... | 72,300 | |
| | INDIAN AFFAIRS | | |
| 15a | Administration, Operation and Maintenance including expenditures on works on other than federal property, grants and contributions as detailed in the Estimates—To extend the purposes of Vote 15 of the Main Estimates for 1964-65 to include authority to make grants and contributions pursuant to agreements entered into with the Governments of the Provinces or the Territories or other groups or authorities approved of by the Governor in Council, for the provision of welfare and other services to Indians..... | 3,393,600 | |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | CITIZENSHIP AND IMMIGRATION (Concluded) | | |
| | INDIAN AFFAIRS (Concluded) | | |
| 20a | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 500,000 | 3,965,900 |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| 1a | Administration, Operation and Maintenance including grants as detailed in the Estimates..... | 381,600 | |
| 10a | Representation Abroad—Construction, acquisition or improvement of Buildings, Works, Land, Equipment and Furnishings..... | 113,000 | |
| 15a | Contributions to International Multilateral Economic and Special Aid Programs as detailed in the Estimates..... | 1,060,000 | |
| 20a | Other Payments to International Organizations and Programs as detailed in the Estimates..... | 7,000 | |
| | EXTERNAL AID OFFICE | | |
| 30a | Salaries and Expenses..... | 29,100 | 1,590,700 |
| | FINANCE | | |
| | ADMINISTRATION | | |
| 1a | Departmental Administration including grants as detailed in the Estimates..... | 250,000 | |
| | GOVERNMENT ADMINISTRATION | | |
| 15a | Contingencies—Subject to the approval of the Treasury Board, (a) to supplement the paylist provisions of other votes; (b) for miscellaneous minor or unforeseen expenses; and (c) for awards under the Public Servants Invention Act; including authority to re-use any sums repaid to this appropriation from other appropriations..... | 35,000,000 | |
| 17a | To deem, for the purposes of section 28 of the Public Service Superannuation Act, the expression "public service employer" to include the administrator of a superannuation or pension fund or plan established by an Act of the Legislature of a Province for the benefit of employees described in the Act and the said employees to be employees of that public service employer..... | 1 | |
| | ROYAL CANADIAN MINT | | |
| 35a | Administration, Operation and Maintenance..... | 100,000 | 35,350,001 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|---------|-----------|
| | | \$ | \$ |
| | FISHERIES | | |
| 1a | Departmental Administration..... | 55,000 | |
| | FISHERIES MANAGEMENT AND DEVELOPMENT | | |
| 5a | Operation and Maintenance including Canada's share of the expenses of the International Commissions detailed in the Estimates and of the costs of programs and projects shares jointly with the Provinces and industry..... | 913,000 | |
| 10a | Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 10 of the Main Estimates for 1964-65 to provide for the acquisition of land for the International Pacific Salmon Fisheries Commission, as required by Article VIII of the Convention (Chap. 11, Statutes of 1957)..... | 1 | |
| 15a | Grants, contributions and subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates..... | 400,000 | |
| | FISHERIES RESEARCH BOARD OF CANADA | | |
| 20a | Administration, Operation and Maintenance..... | 220,000 | 1,588,001 |
| | FORESTRY | | |
| 5a | Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates..... | 500,000 | |
| | FOREST RESEARCH | | |
| 10a | Operation and Maintenance..... | 50,200 | |
| 15a | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 97,000 | |
| | FOREST ENTOMOLOGY AND PATHOLOGY | | |
| 25a | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 150,000 | 797,200 |
| | JUSTICE | | |
| | LEGAL AND OTHER SERVICES | | |
| 1a | Administration including grants and contributions as detailed in the Estimates..... | 26,000 | |
| | CORRECTIONAL SERVICES | | |
| 12a | Payment in the current and subsequent fiscal years of pensions in respect of the late W. C. Wentworth, J. E. R. J. Tellier, J. H. Joynson, M. E. Jenkin and R. E. Farrell, all former penitentiary officers who were killed while on duty, to commence (a) in the case of the late W. C. Wentworth and J. E. R. J. Tellier as of the date of the death of the late W. C. Wentworth and J. E. R. J. Tellier, respectively, and (b) in the case of the death of the late J. H. Joynson, M. E. Jenkin and R. E. Farrell as of April 1, 1964, and to be paid at the same rates as if each of the aforementioned deceased was, immediately prior to his death, a person described in subsection (1) of section 27 of the Royal Canadian Mounted Police Superannuation Act holding the rank of Inspector in the Royal Canadian Mounted Police but | | |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|---------|--------|
| | | \$ | \$ |
| | JUSTICE (Concluded) | | |
| | CORRECTIONAL SERVICES (Concluded) | | |
| | (c) in the current fiscal year, each of those rates shall be reduced by the appropriate rate, as determined by the Treasury Board, at which a benefit payable at an annual or monthly rate has been and is being paid pursuant to the Government Employees Compensation Act, Chapter 11 of the Statutes of 1914, the Appropriation Act No. 6, 1926-27 and the Appropriation Act No. 5, 1959, as the case may be, and | | |
| | (d) in each subsequent fiscal year, no amount shall be paid in respect of each of the aforementioned deceased pursuant to the Government Employees Compensation Act, Chapter 11 of the Statutes of 1914, the Appropriation Act No. 6, 1926-27 and the Appropriation Act No. 5, 1959; | | |
| | additional amount required for 1964-65..... | 10,840 | 36,840 |
| | LABOUR | | |
| | A—DEPARTMENT | | |
| 1a | General Administration..... | 177,000 | |
| 7a | To authorize the Governor in Council to transfer the powers, duties and functions of the Unemployment Insurance Commission under sections 21-24, inclusive, of the Unemployment Insurance Act to the Minister of Labour, and to transfer such members of the staff of the Unemployment Insurance Commission as may be necessary to give effect to the foregoing to the Department of Labour; and to provide that the provisions made by any Appropriation Act for the fiscal year ending the 31st day of March, 1965, based on Estimates 1964-65, to defray | | |
| | (a) expenses of the Unemployment Insurance Commission with respect to the powers, duties and functions referred to herein; and | | |
| | (b) expenses for the transfer of labour to places where employment is available and expenses incidental thereto in accordance with regulations of the Governor in Council; | | |
| | shall apply to such classifications of the Public Service within the Department of Labour as the Governor in Council may determine..... | 1 | |
| | TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE | | |
| 10a | Administration..... | 86,000 | |
| 15a | To carry out the purposes of the Technical and Vocational Training Assistance Act and agreements made thereunder—Payments to the Provinces—To extend the purposes of Vote 15 of the Main Estimates, 1964-65 to authorize the Minister of Labour to enter into agreements with any province subject to terms and conditions as may be prescribed by the Governor in Council for the purpose of sharing in provincial government expenditures or grants for research projects to provide information relating to technical and vocational training and manpower requirements; and to provide for payment of the federal share of provincial expenditures and grants under these agreements during the current fiscal year..... | 1 | |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|---------|---------|
| | | \$ | \$ |
| | LABOUR (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| | GOVERNMENT EMPLOYEES COMPENSATION | | |
| 26a | To authorize payment of compensation in the current and subsequent fiscal years to Edgar Simms under the Government Employees Compensation Act in respect of the injury sustained by him while a seaman on board the Customs Cutter " <i>M V Shulamite</i> " in June, 1936, as if he incurred the injury by an accident arising out of and in the course of his employment while an employee within the meaning of the Government Employees Compensation Act..... | 1 | |
| 27a | To authorize in the current and subsequent fiscal years payment of compensation pursuant to the Government Employees Compensation Act to the dependents of any former employee within the meaning of that Act who died in Prince Edward Island during the period commencing on the 1st day of October, 1935 and ending on March 15, 1961, as a result of injury arising out of and in the course of employment, in such amount as would be payable to the dependents had the said employee died on or after March 16, 1961..... | 1 | 263,004 |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | ADMINISTRATION SERVICES | | |
| 1a | Departmental Administration..... | | 157,000 |
| | NATIONAL DEFENCE | | |
| | ROYAL CANADIAN NAVY | | |
| 15a | Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment..... | 139,000 | |
| | CANADIAN ARMY | | |
| 20a | Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment..... | 349,000 | |
| | ROYAL CANADIAN AIR FORCE | | |
| 25a | Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment..... | 839,000 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 57a | To authorize the Governor in Council to prescribe the terms and conditions (including conditions as to interest) upon which a person who, when a member of the regular Forces, failed, due to erroneous treatment, to make an election in respect of prior service under section 45 of the Militia Pension Act, during the period October 1, 1946 to September 30, 1947, and who subsequently made an election under paragraph (b) of section 5 of the Canadian Forces Superannuation Act, to pay for that service as a period of service described in clause (K) of subparagraph (ii) of that paragraph, shall be deemed to have made such election under the Militia Pension Act within the time prescribed therefor by that Act..... | 1 | |
| | (Vote 56a was authorized by Appropriation Act, No. 7, 1964) | | |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-----------|
| | | \$ | \$ |
| | NATIONAL DEFENCE (Concluded) | | |
| | PENSIONS AND OTHER BENEFITS (Concluded) | | |
| 58a | To authorize the Governor in Council to designate by order as a special duty area any area outside Canada in which an officer or man or former officer or man of the Canadian Forces is or has been required to serve on or subsequent to the first day of January, 1949; and thereupon the Pension Act shall apply to and in respect of every officer and man or former officer or man of the Canadian Forces in respect of his service in such area on or subsequent to that date while the order is in force in respect thereto or during such later period as the order may specify as though such service were military service (other than service rendered in the non-permanent active militia or in the reserve army) rendered during World War II within the meaning of the Pension Act and as though the service described in paragraph (v) of section 2 of that Act included service in such special duty area in any of the services during such period; provided that where a pension is payable by virtue of an order herein in respect of any death or disability, subsection (2) of section 13 of that Act shall not apply to or in respect of such death or disability..... | 1 | 1,327,002 |
| | NATIONAL GALLERY OF CANADA | | |
| 1a | Administration, Operation and Maintenance and grants as detailed in the Estimates..... | | 17,000 |
| | NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL | | |
| 15a | Assistance towards Research in Industry—To authorize, notwithstanding section 30 of the Financial Administration Act, the making of commitments for the current fiscal year in a total amount not exceeding \$3,000,000..... | | 1 |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | ADMINISTRATION AND GENERAL | | |
| 1a | Departmental Administration—To extend the purposes of Vote 1 of the Main Estimates for 1964-65 to authorize payment of a contribution to the Canadian Council of Resource Ministers in an amount equal to one-half the aggregate contribution of the Provinces but not exceeding \$50,000..... | 1 | |
| | NATIONAL PARKS | | |
| 15a | Administration, Operation and Maintenance including grants as detailed in the Estimates..... | 62,000 | |
| | WATER RESOURCES | | |
| 30a | Administration, Operation and Maintenance—To extend the purposes of Vote 30 of the Main Estimates for 1964-65 to include Federal Expenditures in connection with investigations of the Fraser and Nelson Rivers and to provide a further amount of..... | 1,080,000 | |

SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-----------|
| | | \$ | \$ |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES (Concluded) | | |
| | WATER RESOURCES (Concluded) | | |
| 35a | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 20,000 | |
| | NORTHERN ADMINISTRATION | | |
| 45a | Administration, Operation and Maintenance including grants and contributions as detailed in the Estimates..... | 1,468,600 | |
| 50a | Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 50 of the Main Estimates for 1964-65 to include payment of compensation, as the Governor in Council prescribes, to persons affected by the relocation of the Town of Aklavik..... | 16,900 | 2,647,501 |
| | POST OFFICE | | |
| 1a | Postal Services..... | | 804,800 |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL | | |
| | PRIVY COUNCIL OFFICE | | |
| 10a | General Administration..... | 79,700 | |
| 15a | Expenses of the Royal Commissions listed in the Details of Estimates..... | 845,000 | |
| 17a | Canadian Contribution to the Kennedy Memorial Library Project..... | 100,000 | |
| | CENTENNIAL COMMISSION | | |
| 30a | Payment to the Centennial of Confederation Fund—To extend the purposes of Vote 30 of the Main Estimates, 1964-65, to enable grants to be made to the Provinces for projects included in the Federal-Provincial Confederation Memorial Program..... | 1 | 1,024,701 |
| | PUBLIC ARCHIVES AND NATIONAL LIBRARY | | |
| | A—PUBLIC ARCHIVES | | |
| 1a | General Administration and Technical Services..... | | 21,500 |
| | B—NATIONAL LIBRARY | | |
| 5a | General Administration..... | | 20,000 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-----------|
| | | \$ | \$ |
| | PUBLIC WORKS | | |
| | A—DEPARTMENT | | |
| | ACCOMMODATION SERVICES | | |
| 15a | Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates..... | 665,000 | |
| | HARBOURS AND RIVERS ENGINEERING SERVICES | | |
| 30a | Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates..... | 1,700,000 | |
| | ROADS, BRIDGES AND OTHER ENGINEERING SERVICES | | |
| 35a | Operation and Maintenance..... | 30,000 | |
| | | | 2,395,000 |
| | B—NATIONAL CAPITAL COMMISSION | | |
| 68a | To authorize the disposition and acquisition hereafter of property by the National Capital Commission in accordance with Orders in Council P.C. 2476 dated October 4, 1938, P.C. 1662 dated June 29, 1939, P.C. 5209 dated January 5, 1948, P.C. 639 dated February 4, 1952, P.C. 3376 dated June 23, 1952, P.C. 1953-95 dated January 22, 1953, P.C. 1953-277 dated February 26, 1953, P.C. 1957-722 dated May 27, 1957, P.C. 1958-241 dated February 11, 1958, P.C. 1958-923 dated June 28, 1958, P.C. 1958-1445 dated October 22, 1958, P.C. 1958-9/1740 dated December 29, 1958, and P.C. 1959-106 dated January 29, 1959, and all acquisition and disposition of property prior hereto by the National Capital Commission or Federal District Commission in accordance with the said Orders in Council is hereby ratified and confirmed.... | | 1 |
| | SECRETARY OF STATE | | |
| | A—DEPARTMENT | | |
| 1a | Departmental Administration including the expenses of the Advisory Committee on Broadcasting..... | | 84,000 |
| | TRADE AND COMMERCE | | |
| | A—DEPARTMENT | | |
| | GENERAL ADMINISTRATION | | |
| 1a | Departmental Administration..... | 100,000 | |
| 5a | Trade Commissioner Service—Administration, Operation and Maintenance..... | 70,000 | |
| | | | 170,000 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-----------|
| | | \$ | \$ |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| 1a | Departmental Administration..... | 78,400 | |
| | MARINE SERVICES | | |
| 5a | Administration, Operation and Maintenance..... | 375,000 | |
| 10a | Construction or Acquisition of Buildings, Works, Land, Vessels and Equipment including payments to Provinces or Municipalities as contributions towards construction done by those bodies—To extend the purposes of Vote 10 of the Main Estimates, 1964–65, to authorize, in respect to Aids to Navigation, notwithstanding section 30 of the Financial Administration Act, the making of commitments for the current fiscal year not exceeding the total amount of \$4,785,000..... | 1 | |
| | RAILWAYS AND STEAMSHIPS | | |
| 20a | Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects..... | 2,497,000 | |
| | AIR SERVICES | | |
| | Civil Aviation | | |
| 35a | Administration, Operation and Maintenance..... | 2,568,700 | |
| 45a | Contributions to assist in the establishment or improvement of local airports and related facilities..... | 28,300 | |
| | Telecommunications and Electronics | | |
| 55a | Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 55 of the Main Estimates, 1964–65, to authorize, in respect to Radio Aids to Air and Marine Navigation, notwithstanding section 30 of the Financial Administration Act, the making of commitments for the current fiscal year not exceeding the total amount of \$15,270,000 and to provide a further amount of.. | 3,147,400 | |
| | Meteorological | | |
| 70a | Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 70 of the Main Estimates, 1964–65, to authorize, notwithstanding section 30 of the Financial Administration Act, the making of commitments for the current fiscal year not exceeding the total amount of \$2,800,000..... | 1 | |
| | | | 8,694,802 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | TRANSPORT (Concluded) | | |
| | C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA | | |
| 84a | To provide for balance of payments to companies subject to Order Number 96300, dated November 17, 1958, of the Board of Transport Commissioners for Canada in respect of the period April 1, 1963, to March 31, 1964, payable to said companies for such diminution in their aggregate gross revenues during the said period as in the opinion of the said Board is attributable to such companies maintaining the rate level for freight traffic at an 8% increase instead of 17% as authorized by the said Order..... | | 400,000 |
| | D—CANADIAN MARITIME COMMISSION | | |
| 90a | Steamship Subventions for Coastal Services as detailed in the Estimates..... | 1 | |
| 95a | Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council..... | 4,000,000 | 4,000,001 |
| | E—NATIONAL HARBOURS BOARD | | |
| 100a | Advances to National Harbours Board, subject to the provisions of section 29 of the National Harbours Board Act, to meet reconstruction and capital expenditures during the calendar year 1964 as detailed in the Estimates..... | 1 | |
| 103a | To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967, and to provide, notwithstanding sections 28 and 29 of the National Harbours Board Act, for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account..... | 5,237,800 | 5,237,801 |
| | VETERANS AFFAIRS | | |
| 1a | Departmental Administration..... | 42,000 | |
| | WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS | | |
| 15a | Other Benefits including treatment and related allowances, burials and memorials, the training of certain pensioners under regulations approved by the Governor in Council and repayments under subsection (3) of section 12 of the Veterans' Rehabilitation Act..... | 45,000 | 87,000 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | EXTERNAL AFFAIRS | | |
| L12a | Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India. | 1,367,100 | |
| L13a | To extend the purposes of the account mentioned in Vote 630 of the Appropriation Act No 2, 1954, to provide advances for medical expenses as well as to posts and to employees on posting abroad and to increase to \$1,500,000 the amount that may be charged at any time to that account; additional amount acquired. | 400,000 | |
| | External Aid Office | | |
| L14a | Special loan assistance for developing countries in the current and subsequent fiscal years, subject to such terms and conditions as the Governor in Council may approve, for the purpose of undertaking such economic, educational and technical projects as may be agreed upon by Canada and the developing countries or recognized international development institutions. | 50,000,000 | |
| | FINANCE | | |
| L16a | To authorize the Minister of Finance to make contributions out of the Consolidated Revenue Fund to the International Development Association in the fiscal years 1965-66, 1966-67 and 1967-68 of an amount or amounts not exceeding in the whole \$41,700,000 U.S., in addition to the amount provided by section 4 of the International Development Association Act, including authority for the Minister of Finance, on behalf of the Government of Canada, to issue to the Association in respect of such contributions, pending cash requirements by the Association, non-interest-bearing and non-negotiable demand notes in such form as the Minister may determine, notwithstanding that the contributions may exceed or fall short of the equivalent in Canadian dollars, estimated as of May, 1964, which is \$45,036,000. | 1 | |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | Northern Administration Branch | | |
| L24a | Loans to the Government of the Northwest Territories (hereinafter called the "Territories") in the current and subsequent fiscal years, in accordance with such terms and conditions as the Governor in Council may approve, to enable that Government to make mortgage loans to residents of the Territories for the purchase or construction of low cost houses in the Territories. | 330,000 | |
| | PUBLIC PRINTING AND STATIONERY | | |
| L33a | To authorize the operation of a revolving fund in accordance with section 53 of the Financial Administration Act for the purpose of paying for the printing of publications by Commercial Printers; the amount to be charged to the revolving fund at any time not to exceed. | 250,000 | |
| | (Vote L17a was authorized by Appropriation Act No. 7, 1964) | | |

SCHEDULE B—*Concluded*

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|--------------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES (Concluded) | | |
| | TRADE AND COMMERCE | | |
| L37a | Acquisition of uranium concentrates in accordance with the contracts entered into with the approval of the Governor in Council by Eldorado Mining and Refining Ltd., on behalf of Her Majesty the Queen in right of Canada with Rio Algom Mines Ltd., Denison Mines Limited and Faraday Uranium Mines Ltd.; and to provide for the costs of stockpiling uranium concentrates purchased under the said contracts..... | 4,500,000 | |
| | TRANSPORT | | |
| | Canadian Overseas Telecommunication Corporation | | |
| L40a | Loans to the Canadian Overseas Telecommunication Corporation in accordance with section 14 of the Canadian Overseas Telecommunication Corporation Act for additions and betterments to facilities..... | 1,522,000 | |
| | National Harbours Board | | |
| L45a | Advances to National Harbours Board, subject to the provisions of section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1964 on the following account: Reconstruction and Capital Expenditures— Vancouver.....\$ 710,000 Less: Amount to be expended from Replacement and Other Funds.....\$ 709,999 | | |
| | | 1 | 58,369,102 |
| | | | *129,542,235 |

*Net total \$30,532,935.40.

SCHEDULE C.

Based on the Supplementary Estimates (B), 1964-65. The amount hereby granted is \$15,154,702.91, being the total of the amounts of the several items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 9, 1964*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-----------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | PRODUCTION AND MARKETING | | |
| | Plant and Plant Products | | |
| 35b | Grants, Contributions and Subsidies as detailed in the Estimates | | 1,000,000 |
| | DEFENCE PRODUCTION | | |
| | C-CROWN COMPANIES | | |
| 40b | Canadian Arsenals Limited—Administration and Operation..... | | 1,554,000 |
| | EXTERNAL AFFAIRS | | |
| | A-DEPARTMENT | | |
| 15b | Contributions to International Multilateral Economic and Special Aid Programs as detailed in the Estimates..... | | 120,000 |
| | FINANCE | | |
| | GOVERNMENT ADMINISTRATION | | |
| 15b | Contingencies—To extend the purposes of Vote 15 of the Main Estimates to supplement, in such amounts and in accordance with such terms and conditions as the Treasury Board may prescribe, the Estimates of other Departments in order to provide for an accelerated construction and repair program and to provide a further amount of..... | 5,000,000 | |
| 20b | Government's share of surgical-medical insurance premiums and Government's contributions to Pension plans and death benefit plans for employees engaged locally outside Canada who are excluded from the Public Service Superannuation Act, to the Unemployment Insurance Fund in respect of Government employees paid through the Central Pay Office and to the Hospital Insurance (Outside Canada) Plan—To extend the purposes of Vote 20 of the Main Estimates for 1964-65 to provide for the government's share of surgical-medical insurance premiums, determined on such basis and paid in respect of such persons (and their dependents) as the Governor in Council prescribes, who are Members of the Senate and House of Commons or are former Members who are in receipt of an annual allowance pursuant to the Members of Parliament Retiring Allowances Act; additional amount required..... | 8,000 | |
| | | | 5,008,000 |

SCHEDULE C—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-----------|
| | | \$ | \$ |
| | FISHERIES | | |
| | FISHERIES MANAGEMENT AND DEVELOPMENT | | |
| 5b | Operation and Maintenance including Canada's share of the expenses of the International Commissions detailed in the Estimates and of the costs of programs and projects shared jointly with the Provinces and industry | | 453,000 |
| | INDUSTRY | | |
| 5b | To sustain technological capability in Canadian industry by supporting selected defence development programs, on terms and conditions approved by Treasury Board | | 1,000,000 |
| | JUSTICE | | |
| | LEGAL AND OTHER SERVICES | | |
| 1b | Administration including grants and contributions as detailed in the Estimates | 40,000 | |
| | CORRECTIONAL SERVICES | | |
| 13b | Payment in the current and subsequent fiscal years of a pension in respect of the late E. J. Masterton, a former penitentiary officer who was killed while on duty, to commence as of the date of his death, and to be paid at the same rate as if deceased was, immediately prior to his death, a person described in subsection (1) of section 27 of the Royal Canadian Mounted Police Superannuation Act holding the rank of Inspector in the Royal Canadian Mounted Police, but in the current fiscal year the rate shall be reduced by the appropriate rate, as determined by the Treasury Board, at which a benefit payable at an annual or monthly rate has been and is being paid pursuant to the Government Employees Compensation Act, and in each subsequent fiscal year no amount shall be paid in respect of the aforementioned deceased pursuant to the Government Employees Compensation Act; amount required for 1964-65 | 644 | 40,644 |
| | LABOUR | | |
| | A—DEPARTMENT | | |
| 1b | General Administration | 360,000 | |
| 6b | Payments in accordance with terms and conditions approved by the Governor in Council to Provinces and in respect of Indian Bands under the Municipal Winter Works Incentive Program during the 1964-65 and 1965-66 fiscal years of amounts not exceeding fifty per cent of the cost of labour incurred in the period from November 1st, 1964 to such day or days in the fiscal year 1965-66 as may be determined by the Governor in Council, and in the case of projects in designated areas within the meaning of the Department of Industry Act and in areas determined by the Minister of Labour to be areas of high winter unemployment, sixty per cent of such cost; and to authorize payments in those fiscal years to Provinces in respect of previous Municipal Winter Works Incentive Programs | 35,000,000 | |

SCHEDULE C—Concluded

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | LABOUR (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| 8b | Payments in accordance with terms and conditions approved by the Governor in Council under the Winter House Building Incentive Program during the fiscal years 1964-65 and 1965-66 of \$500 per dwelling unit substantially built during the period November 15, 1964 to March 31, 1965..... | 15,000,000 | 50,360,000 |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | MINING AND METALLURGICAL INVESTIGATIONS AND RESEARCH | | |
| 35b | Administration, Operation and Maintenance..... | 81,500 | |
| 40b | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 201,000 | |
| | B—DOMINION COAL BOARD | | |
| 75b | To authorize annual payments not exceeding \$18,000,000 in each of the five fiscal years commencing on the 1st day of April, 1965 and ending on the 31st day of March, 1970, to be made in connection with the movement of coal, in accordance with such regulations as may be prescribed by the Governor in Council, for the purpose of enabling Canadian coal to be laid down in prescribed markets at a price competitive with imported coal and imported residual oil..... | 1 | 282,501 |
| | TRANSPORT | | |
| | E—NATIONAL HARBOURS BOARD | | |
| 103b | To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967 and to provide, notwithstanding sections 28 and 29 of the National Harbours Board Act, for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account..... | | 1,502,000 |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | TRANSPORT | | |
| L39b | Loan to the Nanaimo Harbour Commissioners on terms and conditions approved by the Governor in Council to defray the cost of additional berthing facilities at Nanaimo Assembly Wharf..... | | 300,000 |
| | | | *61,620,145 |

* Net total \$15,154,702.91.

SCHEDULE D.

Based on the Supplementary Estimates (C), 1964-65. The amount hereby granted is \$89,270,001.00, being the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|------------|
| | | \$ | \$ |
| | TRANSPORT | | |
| | BOARD OF TRANSPORT COMMISSIONERS | | |
| 84c | To provide payments to companies subject to Order Number 96300, dated November 17, 1958 of the Board of Transport Commissioners for Canada of an aggregate amount of \$20,000,000 in respect of the period April 1, 1964 to March 31, 1965, to be paid in instalments at such times as may be determined by the said Board for the purpose of reimbursing the said companies for such diminution in their aggregate gross revenues during the said period as in the opinion of the said Board is attributable to such companies maintaining the rate level for freight traffic at an 8% increase instead of 17% as authorized by the said Order; and to provide payments to the said companies of an aggregate amount in respect of the calendar year 1964 of \$50,000,000 to be paid in instalments at such times and in accordance with such methods of allocation as may be determined by the said Board for the maintenance by such companies of the rates of freight traffic at the said reduced level. | | 70,000,000 |
| | VETERANS AFFAIRS | | |
| | WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS | | |
| 10c | War Veterans Allowances—To provide, effective the 1st day of September, 1964, that the War Veterans Allowance Act, 1952, be amended by repealing Schedules A and B to the said Act and substituting therefor the Schedules A and B set out in the details of the Estimates, and the rates mentioned in section 5 of the said Act are amended on the same basis; and to (a) authorize the Governor in Council to amend the War Veterans Allowance Regulations by repealing effective the 1st day of October, 1964, paragraph (d) of subsection (1) of section 10 of those Regulations, and (b) repeal, effective the 1st day of September, 1964, Item 45d of Supplementary Estimates (D), 1963-64, authorized by Appropriation Act No 5, 1963. | 9,000,000 | |
| 15c | Other Benefits including treatment and related allowances. | 170,000 | |

SCHEDULE D—*Concluded*

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | VETERANS AFFAIRS—Concluded | | |
| | PENSIONS | | |
| 25c | Pensions for disability and death—To provide, effective the 1st day of September, 1964, that the Pension Act is amended as follows: (a) Schedules A and B to the said Act are repealed and the Schedules A and B set out in the details of the Estimates are substituted therefor; and (b) in subsection (1) of section 30 thereof, the words "eighteen hundred" are struck out and the words "three thousand" are substituted therefor; and (c) in subsection (2) of section 30 thereof, the words "ninety-six" are struck out and the words "one hundred and eight" are substituted therefor, and the words "forty-two" are struck out and the words "forty-eight" are substituted therefor; and (d) in subsection (3) of section 30 the words "ninety-six" are struck out and the words "one hundred and eight" are substituted therefor; and (e) in subsection (2) of section 38 the words "five hundred and seventy-six" are struck out and the words "six hundred and thirty-six" are substituted therefor..... | 10,100,000 | 19,270,000 |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | FINANCE | | |
| L18c | To authorize the Minister of Finance, notwithstanding subsection (2) of section 11 of the Canada Student Loans Act, to increase upon application by the government of any province the provincial allocation for the province for the loan year ending June 30, 1965 by such amount as may be determined by the Minister, the aggregate amount of all increases authorized by the Minister pursuant to this provision not to exceed \$8,000,000; and to provide that for the purposes of the Canada Student Loans Act the provincial allocation for any province in respect of which an increase has been authorized by the Minister pursuant to this provision for that loan year shall be deemed to be the aggregate of such additional amount and the provincial allocation for the province for that loan year as determined pursuant to subsection (2) of section 11 of the said Act..... | | 1 |
| | | | 89,270,001 |

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1964

13 ELIZABETH II.

CHAP. 35

An Act to amend an Act to amend the Combines Investigation Act and the Criminal Code.

[Assented to 18th December, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1959, c. 40;
1960, c. 45;
1960-61,
c. 42;
1962-63,
c. 4.

1. Section 1 of *An Act to amend the Combines Investigation Act and the Criminal Code*, chapter 40 of the Statutes of 1959, as amended by section 23 of *An Act to amend the Combines Investigation Act and the Criminal Code*, chapter 45 of the Statutes of 1960, section 1 of *An Act to amend An Act to amend the Combines Investigation Act and the Criminal Code*, chapter 42 of the Statutes of 1960-61 and section 1 of *An Act to amend An Act to amend the Combines Investigation Act and the Criminal Code*, chapter 4 of the Statutes of 1962-63, is repealed and the following substituted therefor:

1959, c. 40,
s. 1;
1960, c. 45,
s. 23;
1960-61,
c. 42, s. 1;
1962-63,
c. 4, s. 1.

“**1.** Nothing in the *Combines Investigation Act* or in section 411 of the *Criminal Code* shall be construed to apply to any contract, agreement or arrangement between fishermen or associations of fishermen in British Columbia, and persons or associations of persons engaged in the buying or processing of fish in British Columbia, relating to the prices, remuneration or other conditions under which fish will be caught and supplied to such persons by fishermen between the 1st day of January, 1959 and the 30th day of June, 1966.”

Application
of Acts to
fishing
agreements.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

13 ELIZABETH II.

CHAP. 36

An Act to amend the Judges Act.

[Assented to 18th December, 1964.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (e) of section 9 of the *Judges Act* is repealed and the following substituted therefor:

“(e) Seventy puisne judges of the Superior Court, each.....21,000.00”

2. Paragraph (d) of section 12 of the said Act is repealed and the following substituted therefor:

“(d) Seven puisne judges of the Court of Queen’s Bench, each.....21,000.00”

3. Paragraph (b) of section 16 of the said Act is repealed and the following substituted therefor:

“(b) Six Justices of Appeal, each.....21,000.00”

4. (1) Paragraph (a) of section 19 of the said Act is repealed and the following substituted therefor:

“(a) One chief judge and eighty judges and junior judges of the County and District Courts, each.....\$16,000.00”

(2) Paragraph (e) of section 19 of the said Act is repealed and the following substituted therefor:

“(e) Sixteen judges and junior judges of the County Courts, each.....16,000.00”

R.S., c. 159;
1952-53, c. 4;
1953-54, c. 58;
1955, c. 48;
1956, c. 8;
1957, c. 30;
1958, c. 33;
1959, c. 28;
1960, cc.
46, 47;
1960-61, c. 38;
1962, c. 22;
1963, c. 8;
1964, c. 14.

1963, c. 8,
s. 3.

1963, c. 8,
s. 3.

1963, c. 8,
s. 3.

1963, c. 8,
s. 3.

1963, c. 8,
s. 3.

13-14 ELIZABETH II.

CHAP. 37

An Act to implement a Convention between Canada and Japan for the avoidance of double taxation with respect to income tax and to amend the existing Agreement and Conventions between Canada and Denmark, Finland and the Netherlands, with respect to income tax.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

CANADA-JAPAN INCOME TAX CONVENTION.

- 1.** This Part may be cited as the *Canada-Japan Income Tax Convention Act, 1965*. Short title
for Part I.
- 2.** (1) The Convention entered into between Canada and Japan, set out in Schedule I, is approved and declared to have the force of law in Canada during such period as, by its terms, the Convention is in force. Convention
approved.
(2) In the event of any inconsistency between the provisions of this Part, or the Convention, and the operation of any other law, the provisions of this Part and the Convention prevail to the extent of the inconsistency. Inconsistent
laws.
- 3.** (3) The Minister of National Revenue may make such orders and regulations as are, in his opinion, necessary for the purpose of carrying out the Convention or for giving effect to any of the provisions thereof. Orders and
regulations.
- 3.** Notice of the day the Convention comes into force and of the day the Convention ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*. Promulga-
tion of
commence-
ment and
termination
date of
Convention.

PART II.

SUPPLEMENTARY CONVENTIONS.

Supple-
mentary
Convention
with
Denmark
approved.

1956, c. 5.

4. The Supplementary Convention entered into between Canada and the Kingdom of Denmark, set out in Schedule II, is approved and declared to have the force of law in Canada during such period as the Agreement set out in the Schedule to the *Canada-Denmark Income Tax Agreement Act, 1956*, is in force.

Supple-
mentary
Convention
with Finland
approved.

1959, c. 20.

5. The Supplementary Convention entered into between Canada and the Republic of Finland, set out in Schedule III, is approved and declared to have the force of law in Canada during such period as the Convention set out in the Schedule to the *Canada-Finland Income Tax Convention Act, 1959*, is in force.

Supple-
mentary
Convention
with
Netherlands
approved.

1957, c. 16;
1960, c. 18.

6. The Supplementary Convention entered into between Canada and the Kingdom of the Netherlands, set out in Schedule IV, is hereby approved and declared to have the force of law in Canada during such period as the Convention set out in the Schedule to the *Canada-Netherlands Income Tax Agreement Act, 1957*, is in force.

Promulga-
tion of com-
mencement of
supple-
mentary
conventions.

7. Notice of the day a supplementary convention mentioned in this Part comes into force shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

SCHEDULE I.

CONVENTION
BETWEEN CANADA AND JAPAN FOR THE
AVOIDANCE OF DOUBLE TAXATION AND
THE PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME.

The Government of Canada and the Government of Japan,

Desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

Have agreed as follows:

ARTICLE I.

1. The taxes which are the subject of this Convention are:

- (a) in Japan:
the income tax and the corporation tax (hereinafter referred to as "Japanese tax");
- (b) in Canada:
the income taxes, including the old age security tax on income, which are imposed by the Government of Canada (hereinafter referred to as "Canadian tax").

2. The Convention shall also apply to any other taxes of a character substantially similar to those referred to in paragraph 1 imposed by the Government of Canada or the Government of Japan after the date of signature of this Convention.

ARTICLE II.

1. In this Convention, unless the context otherwise requires:

- (a) the term "Japan", when used in a geographical sense, means all the territory in which the laws relating to Japanese tax are enforced;
- (b) the terms "one of the Contracting States" and "the other Contracting State" mean Canada or Japan, as the context requires;
- (c) the term "tax" means Canadian tax or Japanese tax, as the context requires;
- (d) the term "resident of Canada" means any individual who is resident in Canada for the purposes of Canadian tax and not resident in Japan for the purposes of Japanese tax and any Canadian corporation; and the term "resident of Japan" means any individual who is resident in Japan for the purposes of Japanese tax and not resident in Canada for the purposes of Canadian tax and any Japanese corporation;

- (e) the terms "resident of one of the Contracting States" and "resident of the other Contracting State" mean a resident of Canada or a resident of Japan, as the context requires;
- (f) the term "Japanese corporation" means
 - (i) any company,
 - (ii) any other kind of juridical person, or
 - (iii) any organization without juridical personality treated for the purposes of Japanese tax as a juridical person which has its head or main office in Japan and which is not managed and controlled in Canada;
- (g) the term "Canadian corporation" means any corporation which is managed and controlled in Canada and which has not its head or main office in Japan;
- (h) the terms "corporation of one of the Contracting States" and "corporation of the other Contracting State" mean a Canadian corporation or a Japanese corporation, as the context requires;
- (i) the term "Canadian enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of Canada; and the term "Japanese enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of Japan;
- (j) the terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean a Canadian enterprise or a Japanese enterprise, as the context requires;
- (k)
 - (i) the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on;
 - (ii) the term "permanent establishment" shall include especially:
 - (aa) a place of management;
 - (bb) a branch;
 - (cc) an office;
 - (dd) a factory;
 - (ee) a workshop;
 - (ff) a mine, quarry or other place of extraction of natural resources;
 - (gg) a building site or construction or assembly project which exists for more than twelve months;
 - (iii) the term "permanent establishment" shall not be deemed to include:
 - (aa) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
 - (bb) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

- (cc) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
- (dd) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;
- (ee) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise;
- (iv) a person acting in one of the Contracting States on behalf of an enterprise of the other Contracting State—other than an agent of an independent status to whom subparagraph (v) applies—shall be deemed to be a permanent establishment in the first-mentioned Contracting State if
 - (aa) he has, and habitually exercises in that first-mentioned Contracting State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise, or
 - (bb) he maintains in that first-mentioned Contracting State a stock of goods or merchandise belonging to the enterprise from which he regularly fills orders on behalf of the enterprise;
- (v) an enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other Contracting State through a broker, general commission agent or any other agent of an independent status, where such person is acting in the ordinary course of his business;
- (vi) the fact that a corporation of one of the Contracting States controls or is controlled by a corporation which is a corporation of the other Contracting State, or which carries on business in that other Contracting State (whether through a permanent establishment or otherwise), shall not of itself constitute either corporation a permanent establishment of the other;
- (vii) an enterprise of one of the Contracting States shall be deemed to have a permanent establishment in the other Contracting State if
 - (aa) it carries on supervisory activities in that other Contracting State for more than twelve months in connection with a construction, installation

- or assembly project which is being undertaken in that other Contracting State, or
- (bb) it carries on a business which consists in whole or in part of providing in that other Contracting State the services of public entertainers referred to in paragraph 3 of Article X;
- (l) the term "competent authority" means, in the case of Canada, the Minister of National Revenue or his authorized representative; and, in the case of Japan, the Minister of Finance or his authorized representative.

2. In the application of this Convention by one of the Contracting States, any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of this Convention.

ARTICLE III.

1. The profits of an enterprise of one of the Contracting States shall not be subject to the tax of the other Contracting State unless the enterprise carries on business in that other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in that other Contracting State, but only so much of them as is attributable to that permanent establishment.

2. Where an enterprise of one of the Contracting States carries on business in the other Contracting State through a permanent establishment situated therein, there shall be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

3. In the determination of the profits of a permanent establishment there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the Contracting State in which the permanent establishment is situated or elsewhere.

4. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

5. Paragraph 1 shall not be construed as preventing one of the Contracting States from imposing, in accordance with this Convention, tax on income, such as dividends, interest, rents or royalties arising in that Contracting State, of a resident of the other Contracting State, notwithstanding that such income is not attributable to a permanent establishment situated in the first-mentioned Contracting State.

ARTICLE IV.

Where

- (a) an enterprise of one of the Contracting States participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the Contracting States and an enterprise of the other Contracting State,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V.

1. Notwithstanding Articles III and IV, profits of an enterprise of one of the Contracting States from the operation of ships or aircraft shall be exempt from the tax of the other Contracting State, unless the ships or aircraft are operated wholly or mainly between places within that other Contracting State.

2. The Agreement between the Government of Canada and the Government of Japan constituted by the Notes exchanged at Ottawa on September 21, 1929, concerning reciprocal exemption from income tax on profits accruing from the operation of ships, shall not have effect in respect of any taxable year or taxation year for which this Convention has effect.

ARTICLE VI.

1. The rate of tax imposed by one of the Contracting States on dividends paid by a corporation of that Contracting State to a resident of the other Contracting State shall not exceed 15 per cent, unless such dividends are attributable to a permanent establishment situated in the first-mentioned Contracting State.

2. Where a corporation of one of the Contracting States derives profits or income from within the other Contracting State, there shall not be imposed in that other Contracting State any form of taxation on dividends paid by the corporation unless such dividends are paid to a resident of that other Contracting State, or any tax in the nature of an undistributed profits tax on undistributed profits of the corporation, whether or not those dividends or undistributed profits represent, in whole or in part, profits or income so derived.

ARTICLE VII.

1. The rate of tax imposed by one of the Contracting States on interest arising in that Contracting State and paid to a resident of the other Contracting State shall not exceed 15 per cent, unless such interest is attributable to a permanent establishment situated in the first-mentioned Contracting State.

2. Interest shall be deemed to arise in one of the Contracting States when the payer is that Contracting State itself, a political subdivision, a local authority or a resident of that Contracting State. Where, however, the person paying the interest, whether he is a resident of one of the Contracting States or not, has in one of the Contracting States a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the Contracting State in which the permanent establishment is situated.

3. In this Article the term "interest" means interest on bonds, securities, notes, debentures or any other form of indebtedness as well as any excess of the amount repaid in respect of any form of indebtedness over the amount lent.

ARTICLE VIII.

1. The rate of tax imposed by one of the Contracting States on royalties arising in that Contracting State and paid to a resident of the other Contracting State shall not exceed 15 per cent, unless such royalties are attributable to a permanent establishment situated in the first-mentioned Contracting State.

2. In this Article the term "royalties" means payments of any kind received as consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including motion picture films and films or video tapes for use in connection with television, any patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial, or scientific equipment, or for information concerning industrial, commercial or scientific experience.

3. Royalties shall be deemed to arise in the Contracting State in which the property referred to in paragraph 2 is to be used.

4. The rate of tax imposed by one of the Contracting States in respect of income arising in that Contracting State from the sale of any copyright of literary, artistic or scientific work including motion picture films and films or video tapes for use in connection with television, any patent, trade mark, design or model, plan, secret formula or process by a resident of the other Contracting State shall not exceed 15 per cent of the gross amount paid therefor, unless such income is attributable to a permanent establishment situated in the first-mentioned Contracting State.

5. Income from the sale of property referred to in paragraph 4 shall be deemed to arise in the Contracting State in which such property is to be used.

ARTICLE IX.

1. Salaries, wages or similar remuneration paid by the Government of Japan or by any local authority of Japan to any individual for services rendered to that Government or local authority in the discharge of governmental functions shall be exempt from Canadian tax if the individual is a national of Japan and has not been admitted to Canada for permanent residence therein.

2. Salaries, wages or similar remuneration paid by the Government of Canada or by any political subdivision of Canada to any individual for services rendered to that Government or political subdivision in the discharge of governmental functions shall be exempt from Japanese tax if the individual is a citizen of Canada and has not been admitted to Japan for permanent residence therein.

3. This Article shall not apply to payments in respect of services rendered in connection with a trade or business.

ARTICLE X.

1. Subject to Articles IX, XI and XII, remuneration for personal (including professional) services received by a resident of one of the Contracting States shall not be subject to the tax of the other Contracting State unless the services are performed in that other Contracting State. If the services are so performed, such remuneration as is derived therefrom may be taxed in that other Contracting State. The services performed aboard a ship or aircraft operated by an enterprise of one of the Contracting States shall be deemed to be performed in that Contracting State.

2. Notwithstanding paragraph 1, remuneration received by a resident of one of the Contracting States for personal (including professional) services performed in the other Contracting State shall be exempt from the tax of that other Contracting State in any calendar year, if

- (a) he is present within that other Contracting State for a period or periods not exceeding in the aggregate 183 days during that year,
- (b) the services are performed for or on behalf of a resident of the first-mentioned Contracting State, and
- (c) the remuneration is not borne by a permanent establishment which the payer of the remuneration has in that other Contracting State.

3. Paragraph 2 shall not apply to the remuneration received by public entertainers such as theatre, motion picture, radio or television artists, musicians and professional athletes.

ARTICLE XI.

A professor or teacher who visits one of the Contracting States for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that Contracting State and who is or was immediately before visiting that Contracting State a resident of the other Contracting State shall not be taxed by the first-mentioned Contracting State on the remuneration received for that teaching.

ARTICLE XII.

Payments which a student or business apprentice who is or was formerly a resident of one of the Contracting States and who is present in the other Contracting State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed by that other Contracting State, provided that such payments are made to him from outside that other Contracting State.

ARTICLE XIII.

1. Subject to the laws of Japan regarding the allowance as a credit against Japanese tax of tax payable in any country other than Japan, Canadian tax payable, whether directly or by withholding at the source, under the laws of Canada and in accordance with this Convention, shall be allowed as a credit against Japanese tax.

2. Subject to the laws of Canada regarding the allowance as a credit against Canadian tax of tax payable in any country other than Canada, Japanese tax payable, whether directly or by withholding at the source, under the laws of Japan and in accordance with this Convention, shall be allowed as a credit against Canadian tax.

ARTICLE XIV.

1. The competent authorities of the Contracting States shall upon request exchange such information as is necessary for the carrying out of this Convention and of the laws of the Contracting States concerning taxes covered by this Convention insofar as the taxation thereunder is in accordance with this Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons or authorities other than those concerned with the assessment or collection of the taxes which are the subject of this Convention.

2. In no case shall paragraph 1 be construed so as to impose on one of the Contracting States the obligation:

- (a) to carry out administrative measures at variance with the laws or the administrative practice of that or of the other Contracting State;

- (b) to supply particulars which are not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
- (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy.

ARTICLE XV.

1. Where a resident of one of the Contracting States considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with this Convention, he may, notwithstanding the remedies provided by the laws of those Contracting States, present his case to the competent authority of the Contracting State of which he is a resident.

2. The competent authority shall endeavour, if the objection appears to be justified and if the competent authority cannot arrive at an appropriate solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation not in accordance with this Convention.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Convention. They may also consult together for the purpose of endeavouring to eliminate double taxation in cases not provided for in this Convention.

4. The competent authorities of the Contracting States may communicate directly with each other for the purposes of this Article.

ARTICLE XVI.

Nothing in this Convention shall affect the fiscal privileges of diplomatic or consular officials under the general rules of international law or under the provisions of special agreements.

ARTICLE XVII.

This Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the Contracting States in determining the tax of that Contracting State.

ARTICLE XVIII.

1. The nationals of one of the Contracting States shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that other Contracting State in the same circumstances are or may be subjected.

2. In this Article the term "nationals" means all individuals possessing the nationality of either of the Contracting States and all corporations and other associations (with or without juridical personality) deriving their status as such from the laws in force in either of the Contracting States.

3. This Article shall not be construed as preventing one of the Contracting States from taxing non-residents of that Contracting State on a different basis from that on which it taxes residents of that Contracting State.

ARTICLE XIX.

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible.

2. This Convention shall enter into force on the date of exchange of instruments of ratification and shall have effect—

(a) in Japan:

in respect of tax for the taxable years beginning on or after the first day of January in the calendar year in which the exchange of instruments of ratification takes place;

(b) in Canada:

(i) in respect of tax withheld at the source on amounts paid to non-residents on or after the first day of January in the calendar year in which the exchange of instruments of ratification takes place; and

(ii) in respect of other Canadian tax for taxation years beginning on or after the first day of January in the calendar year in which the exchange of instruments of ratification takes place.

3. Either of the Contracting States may terminate this Convention at any time after a period of three years from the date on which this Convention enters into force, by giving to the other Contracting State notice of termination, provided that such notice shall be given on or before the 30th day of June, and, in such event, this Convention shall cease to be effective—

(a) in Japan:

in respect of tax for the taxable years beginning on or after the first day of January in the calendar year next following that in which the notice is given;

(b) in Canada:

(i) in respect of tax withheld at the source on amounts paid to non-residents on or after the first day of January in the calendar year next following that in which the notice is given; and

(ii) in respect of other Canadian tax for taxation years beginning on or after the first day of January in the calendar year next following that in which the notice is given.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Tokyo, in duplicate, in the English and Japanese languages, each text having equal authenticity, this fifth day of September, 1964.

FOR CANADA:

(Sgd.) W. L. GORDON.

FOR JAPAN:

(Sgd.) ETSUSABURO SHIINA.

SCHEDULE II.

SUPPLEMENTARY CONVENTION MODIFYING THE AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE KINGDOM OF DENMARK FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME SIGNED AT OTTAWA ON SEPTEMBER 30, 1955.

The Government of Canada and the Government of the Kingdom of Denmark desiring to conclude a Supplementary Convention modifying the Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income signed at Ottawa on September 30, 1955 have agreed as follows:

ARTICLE I.

The provisions of the above-mentioned Agreement are hereby modified as follows:

- (a) By deleting paragraph (2) of Article VI.
- (b) By redesignating paragraph (3) of Article VI as paragraph (2).
- (c) By deleting paragraph (4) of Article VI.

ARTICLE II.

(1) This Supplementary Convention is drafted in the English and Danish languages, the two texts having equal force.

(2) This Supplementary Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Copenhagen.

(3) This Supplementary Convention shall come into force on the date on which the instruments of ratification are exchanged and shall thereupon have effect with respect to dividends paid or credited on or after January 1, 1965.

(4) This Supplementary Convention shall continue in force indefinitely as though it were an integral part of the Agreement of September 30, 1955.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Supplementary Convention.

DONE in duplicate at Ottawa this twenty-seventh day of November, 1964.

FOR THE GOVERNMENT OF CANADA:

(Sgd.) W. L. GORDON.

FOR DANMARKS REGERING:

(Sgd.) JOHN KNOX.

SCHEDULE III.

SUPPLEMENTARY CONVENTION MODIFYING THE CONVENTION BETWEEN CANADA AND THE REPUBLIC OF FINLAND FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME, SIGNED AT OTTAWA ON MARCH 28, 1959.

The Government of Canada and the Government of the Republic of Finland, desiring to conclude a Supplementary Convention modifying the Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income signed at Ottawa on March 28, 1959, have agreed as follows:

ARTICLE I.

The provisions of the above-mentioned Convention are hereby modified as follows:

- (a) By deleting paragraph (2) of Article VI.
- (b) By redesignating paragraph (3) of Article VI as paragraph (2).
- (c) By deleting paragraph (4) of Article VI.

ARTICLE II.

(1) This Supplementary Convention is done in the English and Finnish languages, the two texts having equal force.

(2) This Supplementary Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Ottawa.

(3) This Supplementary Convention shall come into force on the date on which the instruments of ratification are exchanged and shall thereupon have effect with respect to dividends paid on or after the first day of January, 1965. It shall continue in force indefinitely as though it were an integral part of the Convention of March 28, 1959.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Supplementary Convention and have affixed thereto their seals.

DONE in duplicate at Helsinki this thirtieth day of December, 1964.

FOR THE GOVERNMENT OF CANADA:

(Sgd.) H. H. CARTER.

FOR THE GOVERNMENT OF THE REPUBLIC
OF FINLAND:

(Sgd.) JAAKKO HALLAMA.

SCHEDULE IV.

SUPPLEMENTARY CONVENTION FURTHER MODIFYING
THE CONVENTION BETWEEN CANADA AND THE
KINGDOM OF THE NETHERLANDS FOR THE AVOID-
ANCE OF DOUBLE TAXATION AND THE PREVEN-
TION OF FISCAL EVASION WITH RESPECT TO
TAXES ON INCOME, SIGNED AT OTTAWA ON APRIL
2, 1957.

The Government of Canada and the Government of the Kingdom of the Netherlands desiring to conclude a Supplementary Convention further modifying the Convention between Canada and the Kingdom of the Netherlands for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Ottawa on April 2, 1957, as modified by the Supplementary Convention of October 28, 1959, agree as follows:

ARTICLE I.

The provisions of the above-mentioned Convention are hereby modified as follows:

- (a) by deleting paragraphs 3, 4 and 5 of article VII and replacing them with the following paragraphs:

“3. Notwithstanding paragraph 2 of this article, none of the States shall levy a tax on dividends paid by a company which is a resident of that State to a company which is a resident of the other State provided that:

- (a) at least 95% of the gross income of the former company for each of its last 3 complete taxation years before the day the dividend was paid or credited (or in the case of a company existing fewer than 3 years, for each complete taxation year thereof before that day) was received by it or receivable by it, as the case may be, from persons who are not residents of the former State as, or in lieu of payment of, dividends or interest, and
(b) during the period that ended on the day the dividend was paid or credited and that commenced on the later of
(i) a day 3 years before that day, or
(ii) January 1, 1965

the former company did not own any shares in a company which was a resident of the former State at any time during that period, and

- (c) during the period of 12 months that ended on the day the dividend was paid or credited the latter company owned all of the voting stock of the former company (except directors' qualifying shares).

4. If and as long as the Netherlands levies a tax on profits of companies the rate of which is lower for distributed profits than for undistributed profits, then for the application of paragraph 2 of this

article the rate of tax that may be levied by the Netherlands shall be 15 per cent increased by the difference in the rate of the tax on profits of companies for distributed profits and for undistributed profits, provided that the total rate may not exceed 25 per cent”.

- (b) by adding to paragraph 2 of Article XVIII the following sentences:

“Further the Netherlands shall, as from such date as shall be determined by the Netherlands Government and notified to the Canadian Government, allow a deduction from the amount of tax computed in conformity with the first paragraph of this article, with respect to dividends derived from Canada by a resident of the Netherlands, insofar as these dividends are taxable in the Netherlands and not attributable to a permanent establishment situated in Canada. The amount of this deduction shall be the lesser of the following amounts:

- (i) an amount equal to the tax paid to Canada in conformity with Article VII, paragraph 2, of this Convention; or
 - (ii) the amount of Netherlands tax on the dividends which bears the same proportion to the total amount of Netherlands tax as the amount of the dividends bears to the amount of income which forms the basis for the computation of the aforesaid amount of Netherlands tax”.
- (c) by deleting paragraph 3 of Article XVIII and replacing it with the following paragraph:

“3. Except in the case of a non-resident-owned investment corporation Canada agrees to allow as a deduction from Canadian tax on any income derived from sources within the Netherlands that is subject to tax in Canada the amount of Netherlands tax payable in respect of that income, provided that the deduction shall not exceed the proportion of the Canadian tax that the income from the Netherlands that is subject to Canadian tax bears to the total income subject to Canadian tax”.

- (d) by deleting paragraph 2 of Article XXII and by renumbering the paragraphs 3 and 4 as 2 and 3.

ARTICLE II.

1. This further Supplementary Convention shall be ratified and the instruments of ratification shall be exchanged at The Hague as soon as possible.

2. This further Supplementary Convention shall come into force on the date on which the instruments of ratification are exchanged and shall thereupon have effect:

- (a) in respect of taxes withheld at the source on dividends, to any dividends paid after December 31, 1964, and
- (b) in respect of other income taxes, for any taxation year beginning after December 31, 1964.

3. As from the date of its entry into force this further Supplementary Convention shall be considered as an integral part of the Convention of April 2, 1957, as modified by the Supplementary Convention of October 28, 1959.

IN WITNESS WHEREOF the undersigned duly authorized thereto, have signed this Supplementary Convention and have affixed thereto their seals.

DONE, in duplicate, this third day of February nineteen hundred and sixty-five at OTTAWA, in the English and Netherlands languages, both texts being equally authentic.

FOR THE GOVERNMENT OF CANADA:

(Sgd.) W. L. GORDON.

VOOR DE REGERING VAN HET
KONINKRIJK DER NEDERLANDEN:

(Sgd.) A. H. J. LOVINK.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 38

An Act respecting hours of work, minimum wages, annual vacations and holidays with pay in federal works, undertakings and businesses.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Canada Labour* Short title
(Standards) Code.

INTERPRETATION.

2. In this Act,
- | | | |
|-----|---|---|
| (a) | "collective agreement" means an agreement in writing between an employer or an employer's organization acting on behalf of an employer, on the one hand, and a trade union acting on behalf of the employees in collective bargaining or as a party to an agreement with the employer or employer's organization, on the other hand, containing terms or conditions of employment of employees including provisions with reference to rates of pay and hours of work; | Definitions. "Collective agreement." |
| (b) | "day" means any period of twenty-four consecutive hours; | "Day." |
| (c) | "employee" means a person employed to do skilled or unskilled manual, clerical, technical, operational or administrative work; | "Employee." |
| (d) | "employer" means any person who employs one or more employees; | "Employer." |

"Federal work, undertaking or business."

- (e) "federal work, undertaking or business" means
- (i) a work, undertaking or business referred to in subsection (1) of section 3 other than a work, undertaking or business of a local or private nature in the Yukon Territory or the Northwest Territories; and
 - (ii) a corporation to which this Act applies as described in subsection (2) of section 3;

"General holiday."

- (f) "general holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day and includes any day substituted for any such holiday pursuant to section 28;

"Industrial establishment."

- (g) "industrial establishment" means any federal work, undertaking or business and includes such branch, section or other division of a federal work, undertaking or business as is designated as an industrial establishment by the regulations;

"Inspector."

- (h) "inspector" means an inspector designated pursuant to this Act;

"Minister."

- (i) "Minister" means the Minister of Labour;

"Order."

- (j) "order" means any order of the Minister made pursuant to this Act or the regulations;

"Overtime."

- (k) "overtime" means hours of work in excess of standard hours of work;

"Standard hours of work."

- (l) "standard hours of work" means the hours of work described in section 5 or prescribed by an order made under section 51;

"Trade union."

- (m) "trade union" means any organization of employees formed for purposes that include the regulation of relations between employers and employees;

"Wages."

- (n) "wages" includes every form of remuneration for work performed but does not include tips and other gratuities;

"Week."

- (o) "week" means in relation to Part I, the period between midnight on Saturday and midnight on the immediately following Saturday.

APPLICATION.

Application of Act.

3. (1) This Act applies to and in respect of employees who are employed upon or in connection with the operation of any work, undertaking or business that is within the legislative authority of the Parliament of Canada excluding any work, undertaking or business of a local or private nature in the Yukon Territory or Northwest Ter-

ritories but including, without restricting the generality of the foregoing,

- (a) any work, undertaking or business operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada,
- (b) any railway, canal, telegraph or other work or undertaking connecting a province with any other or others of the provinces, or extending beyond the limits of a province,
- (c) any line of steam or other ships connecting a province with any other or others of the provinces, or extending beyond the limits of a province,
- (d) any ferry between any province and any other province or between any province and any country other than Canada,
- (e) any aerodrome, aircraft or line of air transportation,
- (f) any radio broadcasting station,
- (g) any bank,
- (h) any work or undertaking that, although wholly situated within a province, is before or after its execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces, and
- (i) any work, undertaking or business outside the exclusive legislative authority of provincial legislatures,

and to and in respect of the employers of such employees and to employment upon or in connection with the operation of any such work, undertaking or business.

(2) This Act applies to and in respect of any corporation established to perform any function or duty on behalf of the Government of Canada other than a corporation that is a department under the *Financial Administration Act*.

Government corporation.

R.S., c. 116, Schedule B.

(3) This Act does not apply to or in respect of employees who are

Non-application to certain employees.

- (a) managers or superintendents or who exercise management functions, or
- (b) members of such professions as may be designated by the regulations as professions to which this Act does not apply.

4. (1) This Act applies notwithstanding any other law or any custom, contract or arrangement, whether made

Saving more favourable benefits.

before or after the commencement of this Act, but nothing in this Act shall be construed as affecting any rights or benefits of an employee under any law, custom, contract or arrangement that are more favourable to him than his rights or benefits under this Act.

Sunday.

(2) Nothing in this Act authorizes the doing of any work on Sunday that is prohibited by law.

PART I.

HOURS OF WORK.

Standard
hours of
work.

5. (1) Except as otherwise provided by or under this Part, the working hours of an employee shall not exceed eight hours in a day and forty hours in a week, and, except as provided by or under this Part, no employer shall cause or permit an employee to work longer hours than eight hours in any day or forty hours in any week.

Averaging.

(2) Where the nature of the work in an industrial establishment necessitates irregular distribution of an employee's hours of work, the hours of work in a day and the hours of work in a week may be calculated, in such manner and in such circumstances as may be prescribed by the regulations, as an average for a period of two or more weeks.

General
holiday in
week.

(3) In a week in which a general holiday occurs that under Part IV entitles an employee to a holiday with pay in that week, the working hours of the employee in that week shall not exceed thirty-two; but, for the purposes of this subsection, in calculating the time worked by an employee in any such week, no account shall be taken of any time worked by him on the holiday or of any time during which he was at the disposal of his employer during the holiday.

Maximum
hours of
work.

6. (1) An employee may be employed in excess of the standard hours of work but, subject to sections 9 and 10, the total hours that may be worked by any employee in any week shall not exceed forty-eight hours in a week or such fewer total number of hours as may be prescribed by the regulations as maximum working hours in the industrial establishment in respect of which he is employed.

Averaging.

(2) Subsection (2) of section 5 applies in the computation of the maximum hours of work in a week prescribed under this section.

Scheduling
hours of
work.

7. Except as may be otherwise prescribed by the regulations, hours of work in a week shall be so scheduled and actually worked that each employee has at least one

full day of rest in the week, and, wherever practicable, Sunday shall be the normal day of rest in a week.

8. When an employee is required or permitted to work in excess of the standard hours of work, he shall be paid for the overtime at a rate of wages not less than one and one-half times his regular rate. Overtime pay.

9. (1) On the application of an employer or an employer's organization, the Minister, having regard to the conditions of employment in any industrial establishment and the welfare of the employees, may, by a permit in writing, authorize hours to be worked by any class of employees therein in excess of the maximum hours of work prescribed by or under section 6. Excess hours under ministerial permit.

(2) No permit may be issued under subsection (1) unless the applicant has satisfied the Minister that there are exceptional circumstances to justify the working of additional hours. Justifying permit.

(3) A permit under subsection (1) shall be issued for the period specified therein, which shall not be longer than the period during which it is anticipated that the exceptional circumstances that justified the permit will continue. Duration of permit.

(4) A permit under subsection (1) may either specify the total of the number of additional hours in excess of the maximum hours prescribed by or under section 6 or may specify the additional hours that may be worked in any day and in any week during the period of the permit. Additional hours may be specified.

(5) Where a permit has been issued under this section, the employer for whom or on whose behalf the permit was issued shall report in writing to the Minister, within fifteen days after the expiration of the period specified in the permit or within such time or times as the Minister may fix in the permit, stating the number of employees who worked in excess of the weekly hours prescribed by or under section 6 and the number of additional hours each of them worked. Report to Minister.

10. (1) The maximum hours of work in a week as prescribed by or under section 6 may be exceeded in cases of Emergency work.

- (a) accident to machinery, equipment, plant or persons;
- (b) urgent and essential work to be done to machinery, equipment or plant; or
- (c) other unforeseen or unpreventable circumstances;

but only to the extent necessary to prevent serious interference with the ordinary working of the industrial establishment affected.

Reporting
additional
work.

(2) Where the maximum hours of work in an industrial establishment have been exceeded under the authority of this section, the employer shall report in writing to the Minister, within fifteen days after the end of the month in which the maximum hours were exceeded, stating the nature of the circumstances in which the maximum hours were exceeded, the number of employees who worked in excess of the maximum hours, and the number of additional hours each of them worked.

PART II.

MINIMUM WAGES.

Minimum
hourly wage.

11. (1) Except as otherwise provided by or under this Part, an employer shall pay to each employee of the age of seventeen years and over a wage at the rate of not less than one dollar and twenty-five cents an hour or not less than the equivalent of that rate for the time worked by him where the wages of the employee are paid on any basis of time other than hourly.

Minimum on
other basis
than time.

(2) Where the wages of an employee are computed and paid on a basis other than time or on a combined basis of time and some other basis, the Minister may, by order,

- (a) fix a standard basis of work to which a minimum wage on a basis other than time may be applied, and
- (b) fix a minimum rate of wage that in his opinion is the equivalent of the minimum rate under subsection (1);

and except as otherwise provided by or under this Part the employer shall pay to each employee who is paid on a basis other than time a wage at a rate not less than the minimum rate fixed by order under this subsection.

Employees
under 17
years of age.

12. An employer may only employ a person under the age of seventeen years

- (a) in such occupations as may be specified by regulation, and
- (b) subject to the conditions and at a wage of not less than the minimum wage prescribed by the regulations for the occupation in which such person is employed.

Handicapped
employees.

13. (1) For the purpose of enabling a person to be gainfully employed who has a disability that constitutes

a handicap in the performance of any work to be done by him for an employer, the Minister may, upon the application of the handicapped person or an employer, authorize the employment of such person at a wage lower than the minimum wage prescribed under section 11 if, having regard to all the circumstances of the case, the Minister is of the opinion that it is in the interests of such person to do so.

(2) An application made under subsection (1) shall be supported by such evidence of disability and handicap as the Minister may require. Evidence required.

14. The Governor in Council may make regulations for carrying out the purposes and provisions of this Part and, without restricting the generality of the foregoing, may make regulations Regulations applicable to this Part.

- (a) requiring employers to pay employees who report for work at the call of the employer wages for such minimum number of hours as may be prescribed whether or not the employee is called upon to perform any work after so reporting for work;
- (b) fixing the maximum price to be charged for board, whether full or partial, furnished by or on behalf of an employer to an employee, or the maximum deduction to be made therefor from the wages of the employee by the employer;
- (c) fixing the maximum price to be charged for living quarters, either permanent or temporary, furnished by or on behalf of an employer to an employee, whether or not such quarters are self-contained and whether or not the employer retains general possession and custody thereof, or the maximum deduction to be made therefor from the wages of the employee by the employer;
- (d) governing the charges or deductions for furnishing uniforms or other articles of wearing apparel that an employer may require an employee to wear or requiring an employer in any specified circumstances to provide, maintain or launder uniforms or other articles of wearing apparel that he requires an employee to wear;
- (e) governing the charges or deductions for furnishing any tools or equipment that an employer may require an employee to use and

for the maintenance and repair of any such tools or equipment;

- (f) specifying the circumstances and occupations in which persons under the age of seventeen years may be employed in any industrial establishment, fixing the conditions of such employment and prescribing the minimum wages for such employment; and
- (g) exempting, upon such terms and conditions and for such periods, as are considered advisable, any employer from the application of section 11 in respect of any class of employees who are being trained on the job, if the training facilities provided and used by the employer are adequate to provide a training program that will increase the skill or proficiency of an employee.

PART III.

ANNUAL VACATIONS.

Definitions.

"Vacation pay."

"Year of employment."

- 15.** In this Part,
- (a) "vacation pay" means four per cent of the wages of an employee during the year of employment in respect of which he is entitled to the vacation;
 - (b) "year of employment" means continuous employment of an employee by one employer
 - (i) for a period of twelve consecutive months beginning with the date the employment began or any subsequent anniversary date thereafter, or
 - (ii) for a calendar year or other year approved by the Minister under the regulations in relation to an industrial establishment.

Annual vacation with pay.

Year begun before commencement of this Part.

Year of employment under *Annual Vacations Act*.

16. (1) Except as otherwise provided by or under this Part, every employee is entitled to and shall be granted a vacation with vacation pay of at least two weeks after every completed year of employment.

(2) For the purposes of this Part a year of employment includes a year of employment begun before the coming into force of this Part and completed after that date.

(3) Where an employee has completed a year of employment before the coming into force of this Part and has not been granted an annual vacation with vacation pay in respect thereof before that date, he shall be granted

such annual vacation with vacation pay as he was entitled to under the *Annual Vacations Act*.

17. The employer of an employee who under this Part has become entitled to a vacation with vacation pay, Granting vacation with pay.

- (a) shall grant to the employee the vacation to which he is entitled, which shall begin not later than ten months immediately following the completion of the year of employment for which the employee became entitled to the vacation; and
- (b) shall, at least one day before the beginning of the vacation or at such earlier time as the regulations prescribe, pay to the employee the vacation pay to which he is entitled in respect of that vacation.

18. Vacation pay shall for all purposes be deemed to be wages. Vacation pay.

19. Where a general holiday occurs during the vacation granted to the employee pursuant to this Part, the vacation to which the employee is entitled under this Part may be extended by one day, but the employer shall pay to the employee in addition to the vacation pay the wages to which the employee is entitled for that general holiday. General holiday during vacation.

20. (1) Where the employment of an employee by an employer is terminated before the completion of the employee's year of employment, the employer shall forthwith pay to the employee Termination of employment during year

- (a) any vacation pay then owing by him to the employee under this Part in respect of any prior completed year of employment, and
- (b) four per cent of the wages of the employee during the completed portion of his year of employment.

(2) Notwithstanding paragraph (b) of subsection (1), an employer is not required to pay an employee any amount under that paragraph unless the employee has been continuously employed by him for a period of thirty days or more. Employment for 30 days required.

21. Where any particular federal work, undertaking or business in which an employee is employed is, by sale, lease, merger or otherwise, transferred from one employer to another employer, the employment of the employee by the two employers before and after the transfer Transfer of work, undertaking or business.

of the work, undertaking or business shall, for the purposes of this Part, be deemed to be continuous with one employer, notwithstanding the transfer.

Regulations
in relation
to annual
vacations.

22. The Governor in Council may make regulations for carrying out the purposes and provisions of this Part and, without restricting the generality of the foregoing, may make regulations

- (a) defining the circumstances and conditions under which the rights of an employee under this Part may be waived or the enjoyment thereof postponed;
- (b) prescribing the notices to be given to employees of the times when vacations may be taken;
- (c) prescribing the time when vacation pay shall be paid;
- (d) defining the absences from employment that shall be deemed not to have interrupted continuity of employment;
- (e) respecting the approval by the Minister of a year of employment in relation to any industrial establishment;
- (f) for the calculation and determination of vacation and vacation pay in the case of seasonal or temporary employees or in other suitable cases;
- (g) providing for the granting of vacation or payment of vacation pay in the event of temporary cessation of employment; and
- (h) providing for the application of this Part where, owing to illness or other unavoidable absence, an employee has been absent from his employment.

Repeal of
1957-58,
c. 24.

23. The *Annual Vacations Act* is repealed.

PART IV.

GENERAL HOLIDAYS.

"Employed
in a
continuous
operation"
defined.

24. In this Part, the expression "employed in a continuous operation" refers to employment in

- (a) any industrial establishment in which in each seven day period, operations once begun normally continue without cessation until the completion of the regularly scheduled operations for that period;
- (b) any operations or services concerned with the running of trains, planes, ships, trucks and

other vehicles whether in scheduled or non-scheduled operations;

- (c) any telephone, radio, television, telegraph or other communication or broadcasting operations or services; or
- (d) any operation or service normally carried on without regard to Sundays or public holidays.

25. Except as otherwise provided by this Part, every employee is entitled to and shall be granted a holiday with pay on each of the general holidays falling within any period of his employment. Entitlement to holidays.

26. (1) Except as otherwise provided by this Part and subject to subsection (2), when a general holiday falls on a day that is a non-working day for an employee, the employee is entitled to and shall be granted a holiday with pay at some other time, which may be by way of addition to his annual vacation or granted as a holiday with pay at a time convenient to him and his employer. General holiday falling on day off.

(2) Except as otherwise provided by this Part, when New Year's Day, Dominion Day or Christmas Day falls on a Sunday or Saturday that is a non-working day, the employee is entitled to and shall be granted a holiday with pay on the working day immediately preceding or following the general holiday. Alternative day for holiday falling on non-working Saturday or Sunday.

27. Section 26 does not apply in respect of any employees who are employed under the terms of a collective agreement that entitles such employees to at least eight holidays with pay, exclusive of any annual vacation, in each year. Exemption under collective agreement.

28. (1) Any other holiday may be substituted for a general holiday in any of the circumstances following: Substituted holidays.

- (a) where a class of the employees of an employer is represented by a trade union and the parties to a collective agreement entered into with regard to the terms or conditions of employment of the employees notify the Minister in writing that a specified day has been designated in the collective agreement as a holiday with pay in lieu of a general holiday under this Part, such designated day shall, for those employees mentioned in the collective agreement, be a general holiday for the purposes of this Act; or

- (b) where no employees of an employer are represented by a trade union or where a class of employees is not provided for under a collective agreement with regard to general holidays, and the employer applies to the Minister to substitute another designated holiday for any general holiday under this Part, the Minister may, if he is satisfied that a majority of the employees or, as the case may be, that a majority of the class of employees who are not provided for under a collective agreement in regard to general holidays, concur with the application, approve the substitution of such designated holiday for the specified general holiday, and such designated day shall for those employees be a general holiday for the purposes of this Act.

Existing
collective
agreements.

(2) Where a collective agreement that is in effect on the day this Part comes into force provides for at least eight holidays with pay in each year, exclusive of any annual vacation, the employer who is bound by the collective agreement may designate a holiday specified in the agreement as a holiday in lieu of a specified general holiday under this Part and, on notification thereof to the Minister, that designated holiday shall, for those employees of the employer who are mentioned in the collective agreement, be a general holiday for the purposes of this Act during the period the collective agreement is in effect.

Weekly or
monthly pay
not to be
reduced for
holiday.

29. (1) An employee whose wages are calculated on a weekly or monthly basis shall not have his weekly or monthly wages reduced for a week or month in which a general holiday occurs by reason only of his not working on the general holiday.

Pay at daily
or hourly
rate.

(2) An employee whose wages are calculated on a daily or hourly basis shall, for a general holiday on which he does not work, be paid at least the equivalent of the wages he would have earned at his regular rate of wages for his normal hours of work.

Pay on
other basis.

(3) An employee whose wages are calculated on any basis other than a basis mentioned in subsection (1) or (2) shall, for a general holiday on which he does not work, be paid at least the equivalent of the wages he would have earned at his regular rate of wages for his normal working day.

Additional
pay for
holiday
work.

30. Except in the case of an employee employed in a continuous operation, an employee who is required to

work on a day on which he is entitled under this Part to a holiday with pay shall be paid, in addition to his regular rate of wages for that day, at a rate at least equal to one and one-half times his regular rate of wages for the time worked by him on that day.

31. An employee employed in a continuous operation who is required to work on a day on which he is entitled under this Part to a holiday with pay

Holiday work in continuous operation employment.

- (a) shall be paid, in addition to his regular rate of wages for that day, at a rate at least equal to one and one-half times his regular rate of wages for the time worked by him on that day; or
- (b) shall be given a holiday and pay in accordance with section 29 at some other time, which may be by way of addition to his annual vacation or granted as a holiday with pay at a time convenient to him and the employer.

32. Pay granted to an employee for a general holiday on which he does not work shall for all purposes be deemed to be wages.

Holiday pay.

33. No employee is entitled to be paid for a general holiday on which he does not work when he is not entitled to wages for at least fifteen days during the thirty calendar days immediately preceding the general holiday; and no employee who is employed in a continuous operation is entitled to be paid for a general holiday on which he did not report for work after having been called to work on that day.

Exceptions.

34. (1) An employee is not entitled to pay for a general holiday that occurs in his first thirty days of employment with an employer if the employee does not work on that day, but if he is required to work on the general holiday he shall be paid at a rate at least equal to one and one-half times his regular rate of wages for the time worked by him on that day, unless he is employed in a continuous operation in which case he is entitled to his regular rate of wages for the time worked by him on that day.

Holiday during first 30 days of employment.

(2) For the purposes of this section a person shall be deemed to be in the employment of another person when he is available at the call of such other person whether or not he is called upon to perform any work therefor.

"Employment" for purposes of this section.

PART V.

ADMINISTRATION AND GENERAL.

Inquiries.

Inquiries.

35. (1) The Minister may, for any of the purposes of this Act, cause an inquiry to be made into and concerning employment in any industrial establishment and may appoint one or more persons to hold the inquiry.

Powers on an inquiry.

(2) A person appointed pursuant to subsection (1) has and may exercise all of the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*.

Inspections.

Inspectors.

36. (1) The Minister may designate any person as an inspector under this Act.

Powers of inspectors.

(2) An inspector may, for the purposes of enforcing this Act or the regulations,

- (a) inspect and examine all books, payrolls and other records of an employer that in any way relate to the wages, hours of work or conditions of employment affecting any employee;
- (b) take extracts from or make copies of any entry in the books, payrolls and other records mentioned in paragraph (a);
- (c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as may be required, respecting the wages paid to all or any of his employees, and the hours of work and conditions of their employment; and
- (d) require an employee to make full disclosure, production and delivery to him of all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof or of other information either verbal or in writing that the employee has in his possession or under his control and that in any way relate to the wages, hours of work or conditions of his employment.

Right to enter premises.

(3) An inspector may at any reasonable time enter upon any place used in connection with a federal work, undertaking or business for the purpose of making an inspection authorized under subsection (2), and may, for such purpose, question any employee apart from his employer.

(4) An inspector shall be furnished by the Minister with a certificate of his authority and on entering any place used in connection with a federal work, undertaking or business shall, if so required, produce the certificate to the person in charge thereof.

Certificate of authorization.

(5) The person in charge of any federal work, undertaking or business and every person employed thereupon or in connection therewith shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties under this Act or the regulations.

Duty to assist inspector.

37. An inspector may administer all oaths and take and receive all affidavits and statutory declarations required under subsection (2) of section 36 and certify to the administration or taking thereof.

Administering oaths.

38. (1) Where an inspector finds that an employer has failed to pay an employee

- (a) the minimum wage prescribed under this Act,
- (b) any overtime pay to which the employee is entitled under this Act, or
- (c) any vacation pay or holiday pay to which the employee is entitled under this Act,

Where under-payments found on inspection.

the inspector may determine the difference between the wages actually paid to the employee and the wages to which the employee is entitled, and, if the amount of the difference is agreed to in writing by the employer and the employee, the employer shall, within five days after the date of the agreement, pay that amount to the employee on the direction of the inspector or to the Minister who shall pay it over to the employee forthwith upon the receipt thereof by him.

(2) No prosecution for failure to pay an employee the full wages to which he was entitled under this Act shall, without the written consent of the Minister, be instituted against the employer when he has made payment of any amount of difference in wages in accordance with subsection (1).

Consent required for prosecution.

Information and Returns.

39. (1) Every employer shall furnish such information relating to the wages of his employees, their hours of work, and the general holidays, annual vacations and conditions of work of his employees, and make such returns thereon from time to time, as the Minister may require.

Information and returns.

(2) Every employer shall make and keep for a period of at least twenty-four months after the work is performed a record of the name, address, age if under

Records to be kept.

the age of seventeen years, wage rate, hours worked, and the actual earnings of and payments to each of his employees, and such records shall be available at all reasonable times for examination by an inspector.

Notice to
furnish
information.

40. (1) Where the Minister is authorized to require a person to furnish information under this Act or the regulations, the Minister may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known address of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice.

Proof of
service of
notice.

(2) A certificate of the Minister certifying that a notice was sent by registered mail to the person to whom it was addressed, accompanied by an identifying post office certificate of the registration and a true copy of the notice, is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained therein.

Proof of
failure to
comply.

(3) Where the Minister is authorized to require a person to furnish information under this Act or the regulations, a certificate of the Minister certifying that the information has not been furnished is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained therein.

Proof of
documents.

(4) A certificate of the Minister certifying that a document annexed thereto is a document or a true copy of the document made by or on behalf of the Minister shall be received in evidence and have the same force and effect as if it had been proven in the ordinary way.

Proof of
authority.

(5) A certificate under this section signed or purporting to be signed by the Minister is admissible in evidence without proof of his appointment or signature.

Pay
statement.

41. (1) An employer shall, at the time of making any payment of wages to an employee, furnish to the employee a statement in writing setting out

- (a) the period for which the payment of wages is made;
- (b) the number of hours for which payment is made;
- (c) the rate of wages;
- (d) details of the deductions made from the wages; and
- (e) the actual sum being received by the employee.

Exemption.

(2) The Minister may, by order, exempt any employer from any or all of the requirements of subsection (1).

*Offences and Penalties.***42.** A person who

Offences.

- (a) contravenes any provision of this Act or the regulations, or any order made thereunder; or
- (b) discharges or threatens to discharge or otherwise discriminates against a person because that person
 - (i) has testified or is about to testify in any proceeding or inquiry had or taken under this Act, or
 - (ii) has given any information to the Minister or an inspector regarding the wages, hours of work, annual vacation or conditions of work of the employee or any of his fellow employees in an industrial establishment;

is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

43. A complaint or information under this Act may relate to one or more offences by one employer in respect of one or more of his employees.

Procedure.

44. Proceedings in respect of an offence under this Act may be instituted at any time within two years after the time when the subject matter of the proceedings arose.

Time limit.

45. (1) Where an employer has been convicted of an offence under this Act in respect of any employee, the convicting court may, in addition to any other penalty, order the employer to pay to the employee any overtime pay, vacation pay, holiday pay or other wages to which the employee is entitled under this Act the non-payment or insufficient payment of which constituted the offence for which the employer was convicted.

Order to pay arrears of wages.

(2) Where an employer has been convicted of an offence under this Act in respect of the discharge of an employee, the convicting court may, in addition to any other penalty, order the employer

Reinstatement of pay and position.

- (a) to pay compensation for loss of employment to the employee not exceeding such sum as in the opinion of the court is equivalent to the wages that would have accrued to the employee up to the date of conviction but for such discharge; and

- (b) to reinstate the employee in his employ at such date as in the opinion of the court is just and proper in the circumstances and in the position that the employee would have held but for such discharge.

Refusal to
comply
with order

(3) An employer who refuses or neglects to comply with an order of a convicting court made under this section is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding fifty dollars for each day during which such refusal or failure continues.

When
inaccurate
records kept.

(4) In determining the amount of wages or overtime for the purposes of subsection (1), if the convicting court finds that the employer has not kept accurate records as required by this Act or the regulations, the employee affected shall be conclusively presumed to have been employed for the maximum number of hours a week allowed under this Act and to be entitled to the full weekly wage therefor.

Identity of
complainants.

46. Where a person who makes a complaint to the Minister requests that his name and identity be withheld, his name and identity shall not be disclosed by the Minister or his officials except where disclosure is necessary for the purposes of a prosecution or is considered by the Minister to be in the public interest.

Civil remedy.

47. No civil remedy of an employee against his employer for arrears of wages is suspended or affected by this Act.

Ministerial Orders.

Orders.

48. Where by this Act or the regulations the Minister is authorized to make any order in respect of any matter, the order may be made to apply generally or in particular cases or to apply to classes of employees or industrial establishments.

Annual Report.

Report to
Parliament.

49. The Minister shall, within three months after the termination of each fiscal year, prepare an annual report on the administration of this Act including a statement showing the additional hours worked by employees under permits issued by the Minister under section 9 and the additional hours worked under section 10, and cause the report to be laid before Parliament forthwith if Parliament is then sitting or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Regulations.

50. The Governor in Council may make regulations for carrying out the purposes of this Act and, without restricting the generality of the foregoing, may make regulations

Regulations.

- (a) requiring employers to keep records of wages, vacations, holidays and overtime of employees and of other particulars relevant to the purposes of this Act or any Part thereof;
- (b) designating any branch, section or other division of any federal work, undertaking or business as an industrial establishment for the purposes of this Act or any Part thereof;
- (c) governing the production and inspection of records required to be kept by employers;
- (d) for calculating and determining wages received by an employee in respect of his employment, including the monetary value of remuneration other than money and the regular rate of wages of employees who are not paid solely on a basis of time;
- (e) prescribing the maximum number of hours that may elapse between the commencement and termination of the working-day of any employee;
- (f) fixing the minimum period that an employer may allow his employee for meals, and the maximum period for which an employer may require or permit an employee to work or be at his disposal without a meal period intervening;
- (g) requiring an employer in any industrial establishment to notify employees, by the publication of such notices, in such manner as may be prescribed, of the provisions of this Act or any regulation or order made thereunder, particulars of hours of work including the hours at which shifts change, particulars of rest periods and meal periods and other matters related to hours and conditions of work of employees;
- (h) providing for the payment of any wages of an employee to the Minister or to some other person in the event that the employee cannot be found or in any other case;
- (i) providing for the establishment of consultative or advisory committees to advise the Minister on any matters arising in relation to the administration of this Act; and

- (j) for any other matter or purpose that under this Act is required or permitted to be prescribed by regulation.

Special and Transitional Provisions.

Order of
deferment or
suspension
of Part I by
Minister.

51. (1) Where upon the submission of any person it is shown to the satisfaction of the Minister that the introduction of the standard hours of work or the maximum hours of work under Part I in any federal work, undertaking or business

- (a) would be or is unduly prejudicial to the interests of the employees therein or to any class of employees therein, or
(b) would be or is seriously detrimental to the operation of the federal work, undertaking or business,

the Minister may by order defer or suspend the operation of Part I in respect of that federal work, undertaking or business or that class of employees therein for such period as may be fixed in the order; but a period of deferment or suspension under this subsection shall not exceed a period of eighteen months from the date of the coming into force of Part I, or the date of the order, whichever is the later date.

Order of
deferment or
suspension of
Part I by
Governor in
Council.

(2) Where it is made to appear from a report of an inquiry held pursuant to section 35 that, in the case of any federal work, undertaking or business, or of any class of employees therein,

- (a) a longer period of deferment or suspension than has been or may be ordered by the Minister under subsection (1) is required in the best interests of the employees or any class of employees therein, or
(b) certain provisions of Part I would unduly disturb any employment custom peculiar to the federal work, undertaking or business or any operation therein,

the Governor in Council, on the recommendation of the Minister, may by order defer or suspend the operation of Part I in respect of that federal work, undertaking or business or that class of employees therein.

Prescribing
hours of
work.

(3) An order made under subsection (1) may, and an order under subsection (2) shall prescribe the hours of work that shall, in respect of the federal work, undertaking or business or class of employees therein to which the order relates, be the hours of work during the deferment or suspension granted by the order; and no employer of any employee in respect of whom the order applies shall require

the employee to work in excess of the hours of work prescribed in the order except upon such conditions or in such circumstances or upon the payment of such overtime pay as may be prescribed in the order.

(4) An order made under this section may prescribe different hours of work for different periods of time during the deferment or suspension granted by the order.

Differing hours of work.

(5) The Governor in Council, upon the recommendation of the Minister, may, from time to time, by order, amend or revoke an order made under subsection (2) if it is made to appear from a report of an inquiry held pursuant to section 35 that it is in the public interest, or in the interest of any class of employees, to do so.

Amending or revoking orders.

52. (1) Where upon the submission of any person it is shown to the satisfaction of the Minister that the immediate introduction of the minimum wages under Part II in any federal work, undertaking or business organized and operated in a local area

Deferment of section 11.

(a) would unduly prejudice the interests of the employees therein or any class of employees therein, or

(b) would be seriously detrimental to the operation of the federal work, undertaking or business, the Minister may by order defer the operation of section 11 in respect of that federal work, undertaking or business or that class of employees therein to the 1st day of January, 1967 or to such earlier day as may be fixed in the order.

(2) An order made under subsection (1) shall specify the minimum rate of wages that shall be paid during the period of deferment granted by the order; and no employer of any employee in respect of whom the order applies shall pay such employee a wage at a rate that is less than the minimum rate of wages specified in the order in respect of such employee.

Minimum wage applying during period of deferment.

(3) An order made under subsection (1) may specify different minimum rates of wages for different periods of time within the period of deferment granted by the order.

Differing minimum wages.

53. (1) The Minister may, as soon as may be after the 1st day of July, 1965, compile and publish in the *Canada Gazette* a list of such submissions for orders under sections 51 and 52 deferring the operation of Part I or section 11 in respect of any federal work, undertaking or business or class of employees therein as were pending on that day; and the operation of Part I or section 11, as the case may be, is, in respect of the federal work, undertaking or busi-

Submission pending on 1st of July, 1965.

ness or class of employees therein to which a submission referred to in such list relates, deferred pending the rejection of the submission or the making of an order under section 51 or 52, as the case may be.

Effect of
subsequent
rejection.

(2) Where the Minister subsequently rejects a submission mentioned in subsection (1),

(a) if the submission was made for an order deferring the operation of Part I, that Part operates, in respect of the federal work, undertaking or business or class of employees therein to which the submission relates, on and after the date of rejection by the Minister of the submission; and

(b) if the submission was made for an order deferring the operation of section 11, that section operates, in respect of the federal work, undertaking or business or class of employees therein to which the submission relates, on and after the 1st day of July, 1965, and the employees concerned shall forthwith be paid any arrears of wages to which they thereby become entitled.

Publishing
notice of
rejection.

(3) Where a submission mentioned in subsection (1) is rejected pursuant to subsection (2), the Minister shall, as soon as may be thereafter, cause a notice of such rejection to be published in the *Canada Gazette*.

Commencement.

Coming into
force.

54. Parts I, II, III and IV of this Act shall come into force on the 1st day of July, 1965.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 39

An Act to amend the Canada Shipping Act.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., e. 29;
1952-53, c. 20;
1956, c. 34;
1957, c. 4;
1960, c. 40;
1960-61 c. 32.

1. (1) Paragraph (8) of section 2 of the *Canada Shipping Act* is repealed and the following substituted therefor:

“(8) “cargo ship” means a ship that is not a fishing vessel, a passenger ship or a pleasure yacht;”

“Cargo ship.”

(2) Paragraphs (24) and (25) of section 2 of the said Act are repealed and the following substituted therefor:

“(24) “equipment” includes life boats, life saving equipment, apparatus for the detection and extinguishing of fire, fire-control plans, line-throwing apparatus, anchors, cables, pilot ladders, means of making sound signals and distress signals, compasses, lights, signals, navigating appliances and all other apparatus or equipment designed or required for the safety of the ship or the protection of the passengers and crew, but does not include radio apparatus other than radio apparatus for survival craft;

“Equipment.”

(25) “fishing vessel” means a ship that is employed in catching fish, whales, seals, walrus or other living resources of the sea, and that does not carry passengers or cargo;”

“Fishing vessel.”

(3) Section 2 of the said Act is further amended by adding thereto, immediately after paragraph (59) thereof, the following paragraph:

"Nuclear ship."

"(59a) "nuclear ship" means a ship fitted with a nuclear power plant;"

(4) Paragraph (63) of section 2 of the said Act is repealed and the following substituted therefor:

"Passenger ship."

"(63) "passenger ship" means a ship carrying passengers;"

(5) Paragraphs (86) to (92) of section 2 of the said Act are repealed and the following substituted therefor:

"Safety Convention."

"(86) "Safety Convention" means the International Convention for the Safety of Life at Sea, 1960, signed at London on the 12th day of June, 1960;

"Safety Convention ship."

(87) "Safety Convention ship" means a steamship (other than a ship of war, a troop ship or a fishing vessel) registered in a country to which the Safety Convention applies, and that is on an international voyage and

- (a) is carrying more than twelve passengers;
- (b) is of three hundred tons gross tonnage or more;
- or
- (c) is a nuclear ship;"

(6) Paragraph (102) of section 2 of the said Act is repealed.

2. Section 87 of the said Act is repealed and the following substituted therefor:

Penalty for unduly assuming Canadian character.

"**87.** (1) If a person uses the National Flag of Canada and assumes the Canadian national character on board a ship owned in whole or in part by any persons not qualified to own a Canadian ship, for the purpose of making the ship appear to be a Canadian ship, the ship is subject to forfeiture under this Act, unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

Burden of proof.

(2) In any proceeding for enforcing any such forfeiture the burden of proving a title to use the National Flag of Canada and assume the Canadian national character shall lie upon the person using and assuming the same."

3. Section 89 of the said Act is repealed and the following substituted therefor:

"89. If an unqualified person acquires as owner, otherwise than by such transmission as hereinbefore provided for, any interest either legal or beneficial, in a ship using the National Flag of Canada and assuming the Canadian national character, that interest is subject to forfeiture under this Act."

Penalty for acquiring ownership if unqualified.

4. Subsections (1) and (2) of section 91 of the said Act are repealed and the following substituted therefor:

"91. (1) The National Flag of Canada is hereby declared to be the proper national colours for all Canadian ships and all ships and boats that would be registered in Canada if they were required to be registered at all, belonging to any British subject resident in Canada, except in the case of any ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or under regulations which may be made by the Governor in Council.

National colours for ships and boats that would be registered in Canada if they were required to be registered at all, belonging to any British subject resident in Canada, except in the case of any ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or under regulations which may be made by the Governor in Council.

(2) Where a ship or boat described in subsection (1) flies

Offence and penalty.

- (a) any distinctive national colours other than the National Flag of Canada; or
- (b) the colours or pendant usually carried by Her Majesty's ships or any colours or pendant resembling the colours or pendant of Her Majesty, without a warrant from Her Majesty or pursuant to regulations made by the Governor in Council,

the master of that ship or boat, or the owner thereof if he is on board, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment."

5. Sections 107 to 113 of the said Act are repealed and the following substituted therefor:

1956, c. 34, s. 4.

"107. The Governor in Council may, notwithstanding anything in this Part, make regulations

Small vessel licensing.

- (a) providing for the licensing of vessels that are exempted from registry under this Act;
- (b) providing for the marking of licensed vessels;
- (c) prescribing forms for licences and the forms for applications for licences;

- (d) providing for the designation of persons to be issuers of licences;
- (e) prescribing the fees to be paid for licences;
- (f) providing for the disposition, notwithstanding the *Financial Administration Act*, of licence fees collected by licence issuers;
- (g) prescribing the records to be kept and returns to be made by licence issuers; and
- (h) prescribing a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section."

6. Paragraph (b) of subsection (1) of section 114 of the said Act is repealed and the following substituted therefor:

- "(b) ships not exceeding one hundred tons gross tonnage that
- (i) are solely employed in fishing, or
 - (ii) are principally employed in fishing, do not carry passengers and are employed on waters within the area within which a home-trade voyage may be made,"

1956, c. 34,
s. 6.

7. (1) Subsection (2) of section 115 of the said Act is amended by striking out the word "and" at the end of paragraph (a) thereof, by adding the word "and" at the end of paragraph (b) thereof and by adding thereto the following paragraph:

- "(c) if the steamship is a tug of not more than one hundred and fifty tons gross tonnage and powered by internal combustion engines of not more than fifteen nominal horse power that are fully controlled from the bridge, the Minister may, subject to such conditions as he may prescribe, exempt it from the requirements of this subsection when making voyages in waters not more open than would be encountered in a home-trade voyage Class III or an inland voyage Class II."

(2) Section 115 of the said Act is further amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

"(2a) Every ship of more than fifteen tons gross tonnage, other than a passenger ship or a pleasure yacht, powered by internal combustion engines of more than eight but not more than ten nominal horse power and of more than six hundred brake horse power as determined by the Board shall, when making any voyage other than a home-trade voyage Class III of not more than ten miles in length, a home-trade voyage Class IV or a minor waters voyage, be provided with the following:

Engineers
for small
ships.

- (a) if the ship is not solely employed in fishing, a third class engineer, duly certificated, and
- (b) if the ship is solely employed in fishing, a chief engineer of a motor-driven fishing vessel, duly certificated,

and subsection (2) does not apply to the ship when making such voyage."

S. The said Act is further amended by adding thereto, immediately after section 116 thereof, the following sections:

"116A. (1) The Governor in Council may make regulations respecting the certificates of competency and service to be held by masters and mates of fishing vessels, including regulations prescribing,

Certificates
for masters
and mates of
fishing
vessels.

- (a) the grades and classes of certificates;
- (b) the qualifications of applicants for certificates;
- (c) the examination of applicants for certificates; and
- (d) the fees to be paid for examinations and the issuance of certificates.

(2) Notwithstanding anything in this Part, regulations made pursuant to subsection (1) may provide for the issue of certificates to persons who are not British subjects.

Idem.

116B. (1) Every person who is a Canadian citizen and every person who is a landed immigrant within the meaning of the *Immigration Act* is, on application to the Minister, entitled to

Entitlement
to certificates
of service
for
experienced
masters
and mates.

- (a) a certificate of service as a fishing master, or
 - (b) a certificate of service as a fishing mate,
- if within the five years preceding the date of his application and before the first day of December, 1965, he has served for one fishing season as fishing master or fishing mate, as the case may be, of a Canadian fishing vessel of over twenty-five tons gross tonnage and is able to provide evidence satisfactory to the Minister as to his experience and ability.

Period of
validity.

(2) A certificate issued to a landed immigrant pursuant to subsection (1) shall be valid for such period as the Minister may fix.

"Fishing
vessel"
defined.

(3) In this section and section 116A, "fishing vessel" includes a vessel used in the transferring to shore of the catch of other vessels."

9. Section 389 of the said Act is repealed and the following substituted therefor:

Regulations
giving effect
to Safety
Convention.

"**389.** Subject to this Act, the Governor in Council may make such regulations as he deems necessary to carry out and give effect to the provisions of the Safety Convention and to the provisions of the Load Line Convention."

10. Subsection (1) of section 391 of the said Act is repealed and the following substituted therefor:

Inspection
of Safety
Convention
passenger
and nuclear
ships.

"**391.** (1) Every Canadian Safety Convention ship that is a passenger ship and every nuclear ship registered in Canada shall have its hull, machinery and equipment inspected by a steamship inspector in accordance with the regulations before the ship is first put into service and at least once in each year thereafter.

Inspection
of Safety
Convention
cargo ships.

(1a) Every Canadian Safety Convention ship that is a cargo ship of five hundred tons gross tonnage or more, other than a nuclear ship, shall have

(a) its equipment inspected by a steamship inspector in accordance with the regulations before the ship is first put into service and at least once every two years thereafter; and

(b) its hull and machinery inspected by a steamship inspector in accordance with the regulations before the ship is first put into service and at least once in each year thereafter or, if classification surveys are made, in such longer period as may be prescribed by the regulations.

Inspection of
Canadian
steamships
not Safety
Convention
ships.

(1b) Subject to sections 480 to 482, every Canadian steamship that is not a ship described in subsection (1) or (1a) shall have its hull, machinery and equipment inspected by a steamship inspector in accordance with the regulations before the ship is first put into service and at least once in each year thereafter or, if classification surveys are made, in such longer period, and subject to such conditions as may be prescribed by the regulations.

(1c) Notwithstanding subsections (1a) and (1b), where the hull, machinery and equipment of a ship described in those subsections are inspected at intervals less frequent than once a year, the ship shall, in addition, be inspected by a steamship inspector at least once in each year to the extent prescribed in the regulations.”

Other inspections.

11. Section 393 of the said Act is repealed and the following substituted therefor:

“**393.** (1) Where the Chairman has received a report of inspection described in section 392 and a report of a radio inspector described in section 419 in respect of a Canadian Safety Convention ship that is a passenger ship or a nuclear ship, and he is satisfied that all the relevant provisions of this Act and the regulations have been complied with, he shall issue for that ship an inspection certificate and the Safety Convention certificate that is described in section 395 and is appropriate to the class and intended service of that ship.

Issue of certificates to Safety Convention passenger and nuclear ships.

(2) Where, after an inspection of a Canadian Safety Convention ship that is a cargo ship of five hundred tons gross tonnage or more, other than a nuclear ship, covering all the particulars set forth in section 392, a steamship inspector is satisfied that all relevant provisions of this Act and the regulations have been complied with, he shall issue for that ship the Safety Convention certificates that are described in section 395 and that are appropriate to the class and intended service of that ship.

Issue of certificates to Safety Convention cargo ships.

(3) Where the Chairman has received a report of inspection described in section 392 in respect of a Canadian ship that is a nuclear ship not intended to be used on an international voyage, and he is satisfied that all the relevant provisions of this Act and the regulations have been complied with, he shall issue for that ship an inspection certificate appropriate to the class and intended service of that ship.

Issue of certificates to nuclear ships not Safety Convention ships.

(4) The Chairman shall maintain a register of all Safety Convention certificates issued pursuant to this section and shall cause each such certificate to be marked to show that it has been registered.”

Register of certificates.

12. (1) All that portion of subsection (1) of section 394 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Steamships
that are not
Safety
Convention
ships.

“394. (1) Where a Canadian steamship is not a ship described in section 393, a steamship inspector shall issue for that ship an inspection certificate appropriate to the class and intended service of that ship if he”

1960-61, c.
32, s. 19.

(2) Subsection (3) of section 394 of the said Act is repealed and the following substituted therefor:

Inspection
by exclusive
surveyor or
other
inspector.

“(3) For the purposes of this section and of subsection (2) of section 393, the Chairman may direct that a survey or inspection by

- (a) an exclusive surveyor to a society or association for the classification and registry of ships, approved by the Minister, or
- (b) a surveyor or inspector appointed by the government of a country other than Canada, if made at a place outside Canada may, subject to the regulations, be deemed to have been made by a steamship inspector, and the report of such surveyor or inspector may be delivered to a steamship inspector who is entitled to act upon it and issue the appropriate inspection or Safety Convention certificates.”

13. Subsections (2) to (6) of section 395 of the said Act are repealed and the following substituted therefor:

Safety
Convention
certificates.

“(2) The Safety Convention certificate to be issued pursuant to section 393 is, in the case of a ship

- (a) that complies with all the provisions of this Part applicable to Safety Convention passenger ships, other than nuclear ships, a Passenger Ship Safety Certificate;
- (b) that complies with all the provisions of this Part relating to construction that are applicable to Safety Convention cargo ships, other than nuclear ships, a Cargo Ship Safety Construction Certificate;
- (c) that complies with all the provisions of this Part relating to safety equipment that are applicable to Safety Convention cargo ships, other than nuclear ships, a Cargo Ship Safety Equipment Certificate;
- (d) that is issued a certificate described in paragraph (a), (b) or (c) and is exempted from any of the provisions of this Part that would otherwise be applicable to it, an Exemption Certificate;
- (e) that complies with all the provisions of this Part applicable to Safety Convention nuclear

- passenger ships, a Nuclear Passenger Ship Safety Certificate; and
- (f) that complies with all the provisions of this Part applicable to Safety Convention nuclear cargo ships, a Nuclear Cargo Ship Safety Certificate."

14. Subsection (1) of section 396 of the said Act is repealed and the following substituted therefor:

"396. (1) Where, in the course of a voyage, a Canadian ship for which a Passenger Ship Safety Certificate has been issued has on board a number of persons that is less than the number of persons stated in the certificate, the Chairman or a person authorized by him may issue a memorandum stating the number of persons carried on that voyage and the modifications that may be made with respect to the life saving appliances carried on the ship on that voyage, and that memorandum shall be annexed to the certificate."

Modification
of Safety
Convention
certificates.

15. (1) Subsections (1) and (2) of section 397 of the said Act are repealed and the following substituted therefor:

"397. (1) The owner or master of a ship, in respect of which a certificate has been issued pursuant to section 393 or 394, shall cause that certificate to be posted on the ship in a conspicuous place accessible to all persons on board and to remain so posted for so long as the certificate is in force and the ship is in use.

Posting of
certificates.

(2) A certificate issued pursuant to section 393 or 394, other than an Exemption Certificate, shall be in force for a period not in excess of

Duration of
certificates
other than
Exemption
Certificate.

- (a) six years, in the case of a Cargo Ship Safety Construction Certificate,
- (b) two years, in the case of a Cargo Ship Safety Equipment Certificate,
- (c) four years, in the case of an inspection certificate issued in respect of a ship to which section 482 applies, and
- (d) one year, in the case of any other certificate, or until such earlier date that notice that the certificate is cancelled is given by the Chairman to the owner or master.

(2a) No Exemption Certificate shall be in force for a longer period than the certificate to which it relates."

Duration of
Exemption
Certificate.

(2) Subsection (4) of section 397 of the said Act is repealed and the following substituted therefor:

Extension of
certificates.

“(4) A certificate that has been issued pursuant to section 393 or 394 and that has not been extended under subsection (3) may be extended by the Minister or any person authorized by him for a period of not more than one month beyond the date when it would otherwise expire.”

16. (1) Subsection (2) of section 399 of the said Act is repealed.

(2) All that portion of subsection (3) of section 399 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Effect of
certificates.

“(3) Where a valid Passenger Ship Safety Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship and there is annexed to that certificate a memorandum that”

17. (1) All that portion of subsection (1) of section 400 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Application
of Part to
non-
Canadian
Safety
Convention
ships.

“**400.** (1) Where a valid Passenger Ship Safety Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship”

(2) Subsections (2) and (3) of section 400 of the said Act are repealed and the following substituted therefor:

Dispensing
with
inspection of
certain
passenger
ships.

“(2) Where

(a) a valid Passenger Ship Safety Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship, together with an inspection certificate issued by or under the authority of the government of the country to which the ship belongs showing the number of passengers the ship is fit to carry, and

(b) the Minister is satisfied that the number of passengers the inspection certificate shows the ship may carry with safety has been determined substantially in the same manner as is prescribed in this Act or the regulations with respect to a Canadian Safety Convention ship,

the Minister may dispense with the inspection mentioned in paragraph (b) of subsection (1) in respect of that ship.

(3) Where a valid Cargo Ship Safety Equipment Certificate, a valid Cargo Ship Safety Construction Certificate and, if one has been issued, a valid Exemption Certificate relating to either of those certificates is produced in respect of a Safety Convention cargo ship of five hundred tons gross tonnage or more that is not a Canadian ship, the ship is not subject to inspection under subsection (1) of section 391 except in so far as may be necessary to determine that the condition of the ship and of its equipment correspond substantially with the particulars set out in the certificates."

Dispensing with inspection of certain cargo ships

18. All that portion of subsection (1) of section 401 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"**401.** (1) Where a valid Passenger Ship Safety Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship"

Miscellaneous privileges of passenger ships holding Safety Convention certificates.

19. Section 402 of the said Act is repealed and the following substituted therefor:

"**402.** A clearance shall not be granted for any Safety Convention ship until there has been produced to the officer of Customs from whom clearance is requested

No clearance to be granted until Safety Convention certificates produced.

- (a) if the ship is a passenger ship other than a nuclear ship, a valid Passenger Ship Safety Certificate and, if one has been issued, a valid Exemption Certificate;
- (b) if the ship is a nuclear passenger ship, a valid Nuclear Passenger Ship Safety Certificate;
- (c) if the ship is a nuclear cargo ship and there has not been produced a certificate mentioned in paragraph (b), a valid Nuclear Cargo Ship Safety Certificate; and
- (d) if the ship is a cargo ship other than a nuclear ship and there has not been produced a certificate mentioned in paragraph (a)
 - (i) a valid Cargo Ship Safety Construction Certificate and a valid Cargo Ship Safety Equipment Certificate, where the gross tonnage of the ship is five hundred tons or more, and
 - (ii) a valid Cargo Ship Safety Radio-telegraphy Certificate, where the gross tonnage of the ship is sixteen hundred tons or more,

or a valid Cargo Ship Safety Radio-teleg-
raphy Certificate or a valid Cargo Ship
Safety Radio-telephony Certificate, where
the gross tonnage of the ship is less than
sixteen hundred tons,
and any valid Exemption Certificate that has
been issued in respect of the ship."

20. All that portion of subsection (1) of section 403
of the said Act preceding paragraph (a) thereof is repealed
and the following substituted therefor:

International
voyages from
Canada by
ships to
which the
Convention
does not
apply.

"403. (1) A ship registered in a country that is
not a party to the Safety Convention and that is carry-
ing more than twelve passengers, is of three hundred
tons gross tonnage or more, or is a nuclear ship shall not
go on an international voyage from any place in Canada
unless it complies with all the provisions of this Part and
the regulations applicable to Canadian Safety Conven-
tion ships, but the Minister may authorize the clearance
of any such ship if he is satisfied that"

21. (1) Subsections (1) to (3) of section 411 of the
said Act are repealed and the following substituted therefor:

Radio
installations
on certain
Convention
ships.

"411. (1) Every Canadian Safety Convention ship
that is a passenger ship, a cargo ship of sixteen hundred
tons gross tonnage or more, or a nuclear ship shall, un-
less exempted by this Part or the regulations,

- (a) be fitted with a radiotelegraph station that
complies with the requirements of this Act and
the regulations; and
- (b) carry operators with such qualifications as are
prescribed by the regulations.

Idem.

(1a) Every ship exempted from the require-
ments of subsection (1) shall be fitted with a radio-
telephone station that complies with the provisions of
this Part and the regulations.

Radio
installations
on certain
cargo ships.

(2) Every Canadian Safety Convention ship
that is a cargo ship of less than sixteen hundred tons
gross tonnage, other than a nuclear ship, shall, unless
exempted by this Part or the regulations,

- (a) be fitted with a radiotelephone or radiotele-
graph station that complies with the provisions
of this Part and the regulations; and
- (b) carry operators with such qualifications as are
prescribed by the regulations.

Watches to
be kept by
operators.

(3) The operators mentioned in subsections
(1) and (2) shall keep such watches as the regulations

prescribe and radiotelegraph operators while keeping such watches shall not engage in duties that in any way interfere with the keeping of those watches."

(2) Subsection (7) of section 411 of the said Act is repealed and the following substituted therefor: 1960-61,
c. 32, s. 21.

"(7) Subsection (6) also applies to all nuclear ships and to all other steamships of five thousand tons gross tonnage or more going on a voyage outside a port." Idem.

22. Subsection (1) of section 412 of the said Act is repealed and the following substituted therefor:

"**412.** (1) No Canadian Safety Convention ship that is a cargo ship, other than a nuclear ship, shall proceed on an international voyage unless there is in force in respect of that ship Prohibition
against
proceeding
to sea
without radio
certificate.

(a) a Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate; and

(b) if the ship has been exempted from any of the provisions of this Act or the regulations relating to radio, an Exemption Certificate that by the terms thereof is applicable to the voyage on which the ship is about to proceed."

23. (1) Subsection (1) of section 419 of the said Act is repealed and the following substituted therefor:

"**419.** (1) The annual inspection required by section 391 of a passenger or nuclear ship in respect of which a Safety Convention Certificate is issued shall include an inspection by a radio inspector." Annual
inspection
to include
radio
inspection.

(2) Paragraph (b) of subsection (2) of section 419 of the said Act is repealed and the following substituted therefor:

"(b) that, having regard to the number of persons carried or certified to be carried, the tonnage of the ship and the voyages on which she is declared to be fit to ply, the ship complies with the provisions of this Act and the regulations relating to radio; and"

24. Section 420 of the said Act is repealed and the following substituted therefor:

Inspection
of certain
Convention
cargo ships
by radio
inspectors.

"420. The owner of every Canadian Safety Convention ship that is a cargo ship, other than a nuclear ship or a ship exempted by this Act from the requirement of being fitted with radio, shall, before the ship first proceeds on an international voyage and at least once in each year thereafter, cause the ship to be inspected by a radio inspector."

25. Subsection (1) of section 421 of the said Act is repealed and the following substituted therefor:

Issue of
Cargo Ship
Radio-
telegraphy
and Radio-
telephony
Certificate.

"421. (1) Where a radio inspector has inspected a Canadian Safety Convention ship that is a cargo ship, other than a nuclear ship, and he is satisfied that it complies with the provisions of this Act and the regulations relating to radio, he shall issue in respect of the ship a Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate."

26. All that portion of section 422 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Radio
certificates
required by
certain
Convention
ships that
are not
Canadian
ships.

"422. (1) Where a valid Passenger Ship Safety Certificate, Nuclear Passenger Ship Safety Certificate, Nuclear Cargo Ship Safety Certificate, Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate is produced in respect of a Safety Convention ship that is not a Canadian ship"

27. Subsections (1) and (2) of section 423 of the said Act are repealed and the following substituted therefor:

Duration of
Cargo Ship
Radio-
telegraphy
and Radio-
telephony
Certificate.

"423. (1) A Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate shall not be in force for more than one year from the date of its issue nor after notice is given by the Minister, or a person authorized by him, to the owner, agent or master of the ship in respect of which it has been issued that he has cancelled it; and no Exemption Certificate shall be in force for a longer period than the certificate to which it relates.

Issue of
new
certificate.

(1a) Notwithstanding subsection (1), where the inspection of a Canadian Safety Convention ship that is a cargo ship of three hundred tons gross tonnage or more but less than five hundred tons gross tonnage, and in respect of which a certificate described in subsection (1) has been issued, takes place within two

months of the end of the period for which the certificate was issued, a new certificate may be issued for a period ending one year from the expiry date of the former certificate if the ship meets the requirements of this Act and the regulations.

(2) The owner or master of a ship in respect of which a certificate described in subsection (1) has been issued shall cause that certificate to be posted on the ship in a conspicuous place accessible to all persons on board and to remain so posted for so long as the certificate is in force and the ship is in use."

Posting of
certificates.

28. Subsection (1) of section 454 of the said Act is repealed and the following substituted therefor:

"**454.** (1) The master of any Canadian ship on meeting with dangerous ice, a dangerous derelict or other direct dangers to navigation, a tropical storm, winds of a force of ten or more on the Beaufort scale for which no storm warning has been received or sub-freezing air temperatures associated with gale force winds and causing severe ice accretion on the superstructure of his ship shall, in the manner prescribed by the regulations, send information thereof to all ships in the vicinity and to such authorities on shore as may be prescribed by the regulations."

Information
to be sent
as to dangers
to navigation.

29. Subsection (2) of section 461 of the said Act is repealed.

30. Section 484 of the said Act is repealed and the following substituted therefor:

"**484.** A collector or other chief officer of Customs shall demand of the owner or master of every ship entered, cleared or otherwise officially dealt with by him, the production of every certificate required under the provisions of this Part to be held in respect of the ship, and where any certificate is not produced he shall detain the ship until the certificate is produced and until any fine imposed on the ship, her master or owner under this Part or the regulations is paid."

Production
of certificates.

31. (1) Paragraph (a) of subsection (2) of section 495A of the said Act is repealed and the following substituted therefor:

1956, c. 34,
s. 25.

"(a) to carry out and give effect to the provisions of the Convention and the amendments thereto

set forth in the Annex to the Final Act of the Conference of the Contracting Governments to the said Convention signed at London on the 11th day of April, 1962;"

1956, c. 34,
s. 25.

(2) Paragraph (c) of subsection (2) of section 495A of the said Act is repealed and the following substituted therefor:

"(c) prescribing a fine not exceeding five thousand dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section."

32. Sections 608 to 610 of the said Act are repealed and the following substituted therefor:

Regulations
re imposition
and collection
of harbour
dues.

"**608.** The Governor in Council may make regulations respecting the imposition and collection of fees to be paid upon vessels using public harbours and upon goods landed from or shipped on board such vessels or transhipped by water within such harbours."

33. Section 645 of the said Act is amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Restriction
of
navigation.

"(4a) Without limiting the generality of subsection (4), any order or regulation made by the Governor in Council under that subsection may provide for the prohibiting or limiting of navigation on any part of the waters of Canada, in the interests of public safety or of promoting or ensuring the effective regulation of such waters in the public interest or for the protection or convenience of the public, of vessels not exceeding fifteen tons gross tonnage."

34. (1) Section 658 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Priorities in
distribution o.
limitation
fund.

"(1a) A judge of the Court in making a distribution under subsection (1) where there are claims in respect of loss of life or personal injury, and of loss of or damage to property or the infringement of any right, shall distribute rateably among the several claimants the amount at which the liability has been determined, as follows:

- (a) twenty-one thirty-firsts of the amount shall be applied in payment of claims in respect of loss of life and personal injury; and
- (b) ten thirty-firsts of the amount shall be applied in payment of claims in respect of loss of or damage to property or infringement of any right, and to the satisfaction of the balance of any claims in respect of loss of life and personal injury remaining unpaid after distribution of the amount applied pursuant to paragraph (a)."

(2) Section 658 of the said Act is further amended by adding thereto the following subsections: 1960-61, c. 32, s. 33.

"(3) In making a distribution under this section of the amount determined to be the liability of the owner of a ship the Court may, having regard to any claim that may subsequently be established before a court outside of Canada in respect of that liability, postpone the distribution of such part of the amount as it deems appropriate. Court may postpone distribution.

(4) No lien or other right in respect of any ship or property shall affect the proportions in which any amount is distributed by the Court under this section amongst the several claimants." Lien and other rights.

35. (1) Paragraph (c) of section 659 of the said Act is repealed and the following substituted therefor: 1960-61, c. 32, s. 34.

"(c) the manager or operator of a ship and any agent of a ship made liable by law for damage caused by the ship"

(2) Section 659 of the said Act is further amended by adding thereto the following subsection: 1960-61, c. 32, s. 34.

"(2) The limits set by section 657 to the liabilities of all persons whose liability is limited by section 657 and subsection (1) of this section arising out of a distinct occasion on which any of the events mentioned in paragraphs (a) to (d) of subsection (2) of section 657 occurred apply to the aggregate of such liabilities incurred on that occasion." Limit of total liability.

36. Section 661 of the said Act is repealed and the following substituted therefor: 1960-61, c. 32, s. 36.

661. (1) For the purposes of sections 657 and 660

Tonnage of
small vessel.

(a) the tonnage of any ship that is less than three hundred tons shall be deemed to be three hundred tons; and

Order
respecting
gold francs.

(b) the Governor in Council may by order from time to time specify the amounts which shall be deemed to be equivalent to 3,100 gold francs and 1,000 gold francs, respectively.

Effect of
subsequent
order.

(2) Where money has been paid into court in respect of any liability to which a limit is set by section 657 or 660, the ascertainment of that limit shall not be affected by a subsequent variation of the amounts specified under paragraph (b) of subsection (1) unless the amount so paid in was less than the limit as ascertained in accordance with the order that was in force under paragraph (b) of subsection (1) at the time such money was paid in."

37. The said Act is further amended by adding thereto, immediately after section 663 thereof, the following sections:

Court may
order ship's
release.

"**663A.** (1) Where a ship or other property is arrested in connection with a claim that appears to the Court to be founded on a liability to which a limit is set by section 657, or security is given to prevent such arrest or to obtain release therefrom, the Court may order the release of the ship, property or security if

(a) security that, in the opinion of the Court, is satisfactory (in this section referred to as a "guarantee") has previously been given in Canada or elsewhere in respect of such liability or any other liability incurred on the occasion giving rise to such claim, and the Court is satisfied that if the claim is established the amount for which the guarantee was given or such part thereof as corresponds to the claim will be actually available to the claimant; and

(b) the guarantee is for an amount not less than the limit set by section 657 or in the event that the guarantee is less than such limit additional security is given which together with the guarantee is for an amount not less than such limit.

Order of
release
mandatory.

(2) The Court shall order the release of the ship, property or security in the circumstances mentioned in subsection (1) where the guarantee referred to in that subsection was given in a port of a

country that is declared, pursuant to subsection (3), to be a Convention country, and the port

- (a) is the port where the event giving rise to the claim in respect of which the ship or property was arrested or the security was given, as the case may be, occurred or if the event did not occur in a port, the first port of call after such event occurred; or
- (b) where the claim is for loss of life, personal injury or damage to cargo, is the port of disembarkation or discharge.

(3) The Governor in Council may by order declare any country in respect of which the International Convention relating to the Limitation of the Liability of Owners of Sea-going Ships signed at Brussels on the tenth day of October, 1957, is in force, to be a Convention country.

Order
declaring a
Convention
country.

(4) Where the release of a ship or other property or security is ordered by the Court pursuant to subsection (1) or (2), the person on whose application such order is made shall be deemed to have submitted to the jurisdiction of the Court to adjudicate on the claim in respect of which the ship or property was arrested or the security was given, as the case may be.

Submission
to Court's
jurisdiction.

(5) For the purposes of this section

- (a) a guarantee that consists of security given in more than one country shall be deemed to have been given in the country in which any such security was last given;
- (b) any question as to whether the amount of any security is by itself or together with any other amount not less than the limit set by section 657 shall be determined as of the time at which such security is given; and
- (c) where only part of the amount for which a guarantee is given in respect of a liability is available to a claimant, that part shall not be taken to correspond to his claim if any other part of the amount may be available to any other claimant in respect of a liability to which no limit is set by section 657.

Where
guarantee
given.

Question
concerning
security.

Only part
of guarantee
available.

663B. (1) No judgment or decree for a claim founded on a liability to which a limit is set by section 657 shall be enforced by the Court, except so far as it is for costs, if security for an amount not less than such limit has been given in Canada or elsewhere in respect of that liability or any other liability arising

Judgment
or decree
not to be
enforced.

on the same occasion and the Court is of the opinion that the security is satisfactory and is satisfied that the amount for which it was given or such part thereof as corresponds to the claim will be actually available to the person in whose favour the judgment or decree was given or made.

(2) For the purposes of this section

Question concerning security.

Only part of security available.

- (a) any question as to whether the amount of any security is not less than the limit set by section 657 shall be determined as of the time at which such security is given; and
- (b) where only part of the amount for which security has been given is available to the person in whose favour the judgment or decree was given or made, that part shall not be taken to correspond to his claim if any other part of the amount may be available to any other claimant in respect of a liability to which no limit is set by section 657."

38. Section 671 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Canadian ships only may engage in coasting trade on the Great Lakes and River St. Lawrence.

"(2a) Notwithstanding subsections (1) and (2),

- (a) no goods shall be transported by water or by land and water, and
- (b) no passengers shall be transported by water either directly or by way of a foreign port in any ship other than a Canadian ship from one place in Canada to another place in Canada both of which places are situated within the area comprising the Great Lakes, their connecting and tributary waters and the River St. Lawrence and its tributary waters as far seaward as a straight line drawn
 - (c) from Cap des Rosiers to West Point Anticosti Island, and
 - (d) from Anticosti Island to the north shore of the River St. Lawrence along the meridian of longitude sixty-three degrees west."

39. Schedule IV to the said Act is repealed.

40. (1) Section 1, sections 9 to 30 and section 39 of this Act shall come into force with respect to Canadian ships, and with respect to ships registered in any other country on a day or days to be fixed by proclamation of the Governor in Council.

(2) Section 6 and section 38 of this Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 40

An Act to amend certain Acts administered
in the Department of Insurance.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

CANADIAN AND BRITISH INSURANCE COMPANIES ACT.

R.S., c. 31;
1956, c. 28;
1957-58, c. 11;
1960-61, c. 13

1. Subsection (3) of section 3 of the *Canadian and British Insurance Companies Act* is repealed and the following substituted therefor:

1960-61, c.
13, s. 2.

“(3) Except as hereinafter otherwise provided, sections 15, 16A to 16F, 17, 26, 28, 41 to 46 and Parts III to VII apply to every company irrespective of the date of incorporation.”

Provisions
applicable
to all
companies

2. (1) Subsection (3) of section 6 of the said Act is repealed and the following substituted therefor:

1960-61, c.
13, s. 4(2).

“(3) No person is eligible to be elected, or to be, an ordinary director or a shareholders' director unless he holds in his own name and for his own use and absolutely in his own right shares in the capital stock of the company on which at least two hundred and fifty dollars has been paid to the company as capital or credited by the company as capital and has paid in cash all calls due thereon and all liabilities incurred by him to the company, other than liabilities under loans on the security of the company's own policies of life insurance.”

Qualifications
of directors.

1960-61, c. 13.
s. 4(4).

(2) All that portion of subsection (8) of section 6 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Voting
rights of
shareholders.

“(8) In the case of a company that has a capital stock, each shareholder who has paid in cash all calls due upon his shares is entitled to attend and, except as provided in sections 16D and 16F, to vote at all general meetings of the company, in person or by proxy, and has, subject to section 45, one vote for each share held by him subject to the following provisions:”

3. The said Act is further amended by adding thereto, immediately after section 16A thereof, the following sections:

Definitions.

“Corporation.”

“Life company.”

“Non-resident.”

- “16B. (1) In this section and sections 16C to 16F,
- (a) “corporation” includes an association, partnership or other organization;
 - (b) “life company” means a company registered to transact the business of life insurance;
 - (c) “non-resident” means
 - (i) an individual who is not ordinarily resident in Canada,
 - (ii) a corporation incorporated, formed or otherwise organized, elsewhere than in Canada,
 - (iii) a corporation that is controlled directly or indirectly by non-residents as defined in subparagraph (i) or (ii),
 - (iv) a trust established by a non-resident as defined in subparagraph (i), (ii) or (iii), or a trust in which non-residents as so defined have more than fifty per cent of the beneficial interest, or
 - (v) a corporation that is controlled directly or indirectly by a trust mentioned in subparagraph (iv); and
 - (d) “resident” means an individual, corporation or trust that is not a non-resident.

“Resident.”

Associated shareholder.

(2) For the purposes of sections 16C to 16F, a shareholder is deemed to be associated with another shareholder if

- (a) one shareholder is a corporation of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a corporation that is controlled directly or indirectly by the other shareholder;

- (d) both shareholders are corporations and one shareholder is controlled directly or indirectly by the same individual or corporation that controls directly or indirectly the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of the life company; or
- (f) both shareholders are associated within the meaning of paragraphs (a) to (e) with the same shareholder.

(3) For the purposes of sections 16c to 16f, where a share of the capital stock of a life company is held jointly and one or more of the joint holders thereof is a non-resident, the share is deemed to be held by a non-resident. Shares held jointly.

16c. (1) The directors of a life company shall refuse to allow in the book or books referred to in section 15 the entry of a transfer of any share of the capital stock of the company to a non-resident Limit on shares held by non-residents.

- (a) if, when the total number of shares of the capital stock of the company held by non-residents exceeds twenty-five per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the number of such shares held by non-residents;
- (b) if, when the total number of shares of the capital stock of the company held by non-residents is twenty-five per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the total number of such shares of stock held by non-residents to exceed twenty-five per cent of the total number of issued and outstanding shares of such stock;
- (c) when the total number of shares of the capital stock of the company held by the non-resident and by other shareholders associated with him, if any, exceeds ten per cent of the total number of issued and outstanding shares of such stock; or
- (d) if, when the total number of shares of the capital stock of the company held by the non-resident and by other shareholders associated with him, if any, is ten per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer

would cause the number of such shares of stock held by the non-resident and by other shareholders associated with him, if any, to exceed ten per cent of the issued and outstanding shares of such stock.

Allotment
to non-
resident.

(2) The directors of a life company shall not, after the day of commencement of the first general meeting of the shareholders of the company, allot, or allow the allotment of, any shares of the capital stock of the company to any non-resident in circumstances where, if the allotment to such non-resident were a transfer of those shares, the entry thereof in such book or books would be required, under subsection (1), to be refused by the directors.

Penalty.

(3) Default in complying with the provisions of this section does not affect the validity of a transfer or allotment of a share of the capital stock of the life company that has been entered in such book or books, but every director who knowingly authorizes or permits such default is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Voting
rights of
nominees
suspended.

16d. (1) Where a resident holds shares of the capital stock of a life company in the right of, or for the use or benefit of, a non-resident, the resident shall not, either in person or by proxy, exercise the voting rights pertaining to those shares.

Voting rights
of non-
residents.

(2) Subject to subsection (3) of section 16f, where any shares of the capital stock of a life company are held in the name or right of or for the use or benefit of a non-resident, no person shall, either as proxy or in person, exercise the voting rights pertaining to such shares held by the non-resident or in his right or for his use or benefit, if the total of such shares so held, together with such shares held in the name or right of or for the use or benefit of

(a) any shareholders associated with the non-resident, or

(b) any persons who would, under subsection (2) of section 16b, be deemed to be shareholders associated with the non-resident were such persons and the non-resident themselves shareholders,

exceed in number ten per cent of the issued and outstanding shares of such stock.

(3) Every person who knowingly contravenes a provision of this section is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment. Penalty.

(4) If any provision of this section is contravened at a general meeting of the company, no proceeding, matter or thing at that meeting is void by reason only of such contravention, but any such proceeding, matter or thing is, at any time within one year from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the company by a resolution passed at a special general meeting of the company. Effect of contravention.

16E. (1) The directors of a life company may make such by-laws as they deem necessary to carry out the intent of sections 16B to 16F and in particular, but without restricting the generality of the foregoing, the directors may make by-laws By-laws.

- (a) requiring any person holding any share of the capital stock of the company to submit declarations
 - (i) with respect to the ownership of such share,
 - (ii) with respect to the place in which the shareholder and any person for whose use or benefit the share is held are ordinarily resident,
 - (iii) whether the shareholder is associated with any other shareholder, and
 - (iv) with respect to such other matters as the directors may deem relevant for the purposes of sections 16B to 16F;
- (b) prescribing the times at which and the manner in which any declarations required under paragraph (a) are to be submitted; and
- (c) requiring any person desiring to have a transfer of a share to him entered in the book or books referred to in section 15 to submit such a declaration as may be required pursuant to this section in the case of a shareholder.

(2) Where pursuant to any by-law made under subsection (1) any declaration is required to be submitted by any shareholder or person in respect of the transfer of any share, the directors may refuse to enter such transfer in such book or books until the required declaration has been completed and submitted. Where declaration pending.

Definitions.
"Associates
of the non-
resident."

16F. (1) In this section

- (a) "associates of the non-resident" means, with reference to any particular day,
(i) any shareholders associated with the non-resident on that day, and
(ii) any persons who would, under subsection (2) of section 16B, be deemed to be shareholders associated with the non-resident on that day were such persons and the non-resident themselves shareholders;

"Prescribed
day."

- (b) "prescribed day" means the 23rd day of September, 1964;

"Shares held
by or for the
non-
resident
and
associates."

- (c) "shares held by or for the non-resident and associates" means, with reference to any particular day, the aggregate number of shares held on that day in the name or right of or for the use or benefit of the non-resident and associates of the non-resident on that day.

Exception
for non-
resident
ownership of
company.

(2) Where more than fifty per cent of the issued and outstanding shares of the capital stock of a life company are held in the name or right of or for the use or benefit of one non-resident

- (a) at the commencement of the prescribed day, in the case of a life company incorporated before that day, or
(b) on the day of commencement of the first general meeting of the shareholders of the company, in the case of a life company incorporated on or after the prescribed day,

sections 16C to 16E do not apply to or in respect of that company; but if at any time thereafter there is no one non-resident in whose name or right or for whose use or benefit more than fifty per cent of the issued and outstanding shares of the capital stock of the life company are held, those sections apply from and after that time to and in respect of that company.

Exception for
individual
non-resident.

(3) Where at the commencement of the prescribed day the number of shares of the capital stock of a life company held in the name or right of or for the use or benefit of a non-resident together with the number of such shares, if any, held at the commencement of that day in the name or right of or for the use or benefit of any associates of the non-resident exceed ten per cent of the number of shares of such stock at that time issued and outstanding, the voting rights pertaining to the shares held in the name or right of or for the use or benefit of the non-resident may notwithstanding subsection (2) of

section 16d be exercised, in person or by proxy, so long as the percentage of such shares held by or for the non-resident and associates does not exceed either the percentage of such shares held by or for the non-resident and associates at the commencement of the prescribed day or the smallest percentage of such shares held by or for the non-resident and associates on any subsequent day; but this subsection shall not be construed to prohibit the exercise of voting rights in circumstances where section 16d does not apply.

(4) Where after the coming into force of this section a corporation that was at any time a resident becomes a non-resident, any shares of the capital stock of a life company acquired by the corporation while it was a resident and held by it while it is a non-resident shall be deemed, for the purposes of sections 16c and 16d, to be shares held by a resident for the use or benefit of a non-resident.

Change of
status of
corporate
resident.

(5) Where on or after the prescribed day the par value of shares of the capital stock of a life company is reduced, the directors of the life company may, notwithstanding subsection (2) of section 16c, allot shares of the capital stock of the life company of the reduced par value to a non-resident who is a shareholder in exchange for shares of such stock of the unreduced par value but not so as thereby to effect an increase in the aggregate par value of the shares of such stock held by the non-resident.

Stock
splits.

(6) The directors of a life company may, notwithstanding section 16c, allow in the book or books referred to in section 15 the entry of a transfer of any share of the capital stock of the company from a resident to a non-resident where it is shown to the directors on evidence satisfactory to them that the share was at the commencement of the prescribed day held by the resident in the right of or for the use or benefit of the non-resident.

Transferring
beneficial
holding.

(7) If at any time on or after the prescribed day and before the coming into force of section 16c the directors of a life company allow, in the book or books referred to in section 15, the entry of any transfer or allotment of any share of the capital stock of the company to a non-resident that they would have been required to refuse or prevent under section 16c had that section come into force on the prescribed day, no person shall, as proxy or in person, exercise the voting rights pertaining to such share so long as the share is held in the name or right of or for the use or benefit of any non-resident.

Entry after
prescribed
day.

Application
of sub-
sections (3)
and (4) of
section 16D.
Conclusions
reached by
directors.

(8) Subsections (3) and (4) of section 16D apply to the contravention of any provision of subsection (7) of this section.

(9) In determining for the purposes of sections 16B to 16F whether a person is a resident or non-resident, by whom a corporation is controlled, or any other circumstances relevant to the performance of their duties under those sections, the directors of a life company may rely upon any statements made in any declarations submitted under section 16E or rely upon their own knowledge of the circumstances; and the directors are not liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge."

4. (1) Section 45 of the said Act is repealed and the following substituted therefor:

Change in
capital
stock.

"45. (1) Notwithstanding anything contained in its Act of incorporation or in this Act, if the subscribed stock of a company is fully paid, the company may, by a by-law made by the directors and confirmed by at least two-thirds of the votes cast at a general meeting of the shareholders duly called for considering the by-law, divide the capital stock of the company into shares of one dollar each or any multiple thereof but not exceeding one hundred dollars each.

Voting
rights
qualified.

(2) Where pursuant to subsection (1) the capital stock of a company registered to transact the business of life insurance is divided into shares the par value of which is less than five dollars each, a holder of the shares shall have as a shareholder of the company only the number of votes that equals the product obtained by dividing the total par value of all his shares in the capital stock of the company by five."

(2) The said Act is further amended by adding thereto, immediately after section 45A thereof, the following section:

Corporate
name in
French
or English
form 16D.

"45B. (1) A company may request the Governor in Council to provide it with a French or English form of its corporate name and the Governor in Council may, by order, in accordance with the request, provide the company with a French or English form of its corporate name.

Notice.

(2) Before any such request is made to the Governor in Council, notice of the intention to make

the request, showing therein the French or English form of the corporate name to be requested, as the case may be, shall be published at least once a week for a period of four consecutive weeks in the *Canada Gazette* and in a newspaper published at or near the place where the head office of the company is situated.

(3) An order made under subsection (1) shall be published by the Governor in Council in the *Canada Gazette*.

Order to be published

(4) A requested French or English name shall not be given to a company under this section if

Not to be identical or objectionable.

- (a) the requested form is the same as the name of any corporation, association or firm carrying on business in Canada or incorporated under the laws of Canada or of any province thereof, or so nearly resembles that name as to be in the opinion of the Governor in Council likely to deceive or likely to be confused with that name, unless the corporation, association or firm is in the course of being dissolved or of changing its name and signifies its consent in such manner as the Governor in Council may require; or

- (b) the requested form is otherwise on public grounds objectionable.

(5) After the publication of an order made under subsection (1), the company mentioned in that order may from time to time as it sees fit use, or it may be legally designated by, either the French or English form of its corporate name as provided in the order, or both forms; and, except as provided in this subsection, the provision of a French or English form of a corporate name does not affect in any way the rights, powers, obligations or liabilities of the company."

Effect of order.

5. (1) Paragraph (b) of subsection (1) of section 63 of the said Act is repealed and the following substituted therefor:

1960-61, c. 13, s. 12(2).

- "(b) the bonds, debentures or other evidences of indebtedness of or guaranteed by a municipal corporation in Canada or in any country in which the company is carrying on business, or of a school corporation in Canada or in any country in which the company is carrying on business, or secured by rates or taxes levied under the authority of a province of Canada on property situated in such province, or the bonds, debentures or other evidences of in-

Municipal, etc., securities.

debtedness of a fabrique that are fully secured by a mortgage, charge or hypothec upon real estate or by such rates or taxes;”

(2) Paragraph (d) of subsection (1) of section 63 of the said Act is repealed and the following substituted therefor:

Bonds
secured by
provincial
subsidy.

“(d) the bonds or debentures issued by a charitable, educational or philanthropic corporation that are secured by the payment, assignment or transfer to a trust corporation in Canada of subsidies, payable by or under the authority of a province of Canada, sufficient to meet the interest as it falls due on the bonds or debentures and the principal amount of the bonds or debentures on maturity;”

1960-61, c. 13,
s. 12(3).

(3) Subparagraph (i) of paragraph (h) of subsection (1) of section 63 of the said Act is repealed and the following substituted therefor:

“(i) real estate or leaseholds;”

(4) Subparagraph (i) of paragraph (j) of subsection (1) of section 63 of the said Act is repealed and the following substituted therefor:

“(i) of a corporation if, at the date of investment, the preferred shares or the common shares of the corporation are authorized as investments by paragraph (k) or (l); or”

1960-61, c. 13,
s. 12(4) and
(5).

(5) Paragraphs (ja) to (m) of subsection (1) of section 63 of the said Act are repealed and the following substituted therefor:

Guaranteed
investment
certificates.

“(ja) guaranteed investment certificates issued by a trust company incorporated in Canada if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by paragraph (k) or (l);

Preferred
shares.

(k) the preferred shares of a corporation if
(i) the corporation has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

- (ii) the common shares of the corporation are, at the date of investment, authorized as investments by paragraph (l);
- (l) the fully paid common shares of a corporation that during a period of five years that ended less than one year before the date of investment has either
 - (i) paid a dividend in each such year upon its common shares, or
 - (ii) had earnings in each such year available for the payment of a dividend upon its common shares, of at least four per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends, as the case may be, but
 - (iii) except as provided in sections 64, 64A, 90 and 90A, a company shall not purchase more than thirty per cent of the common shares of any corporation,
 - (iv) except as provided in section 90A, a company shall not purchase its own shares, and
 - (v) except as provided in sections 64A and 90, a company registered to transact the business of life insurance shall not purchase the shares of a company transacting the business of life insurance;
- (m) ground rents, mortgages or hypothecs on real estate or leaseholds in Canada or in any country in which the company is carrying on business, but the amount paid for the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage or hypothec in which the investment is made shall not exceed three-quarters of the value of the real estate or leasehold covered thereby;

Common shares.

Real estate mortgages.

(6) Subsection (1) of section 63 of the said Act is further amended by striking out the word "or" at the end of paragraph (n) thereof, by repealing paragraph (o) thereof and by substituting therefor the following paragraphs:

1960-61, c. 13, s. 12(5).

Real estate
for the
production
of income.

“(o) real estate or leaseholds for the production of income in Canada or in any country in which the company is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan company or trust company incorporated in Canada, if

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

(A) the government, or an agency of the government, of the country in which the real estate or leasehold is situated or of a province, state or municipality of that country, or

(B) a corporation, the preferred shares or common shares of which are, at the date of investment, authorized as investments by paragraph (k) or (l),

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least eighty-five per cent of the amount invested in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of a company in any one parcel of real estate or in any one leasehold does not exceed two per cent of the book value of the total assets of the company;

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold; or

(p) real estate or leaseholds for the production of income in Canada or in any country in which the company is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan company or trust company incorporated in Canada, if

(i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least eighty-five per cent of that

Other real
estate for the
production of
income.

amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and
 (ii) the total investment of a company in any one parcel of real estate or in any one leasehold does not exceed two per cent of the book value of the total assets of the company;

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold."

(7) Paragraph (b) of subsection (2) of section 63 of the said Act is repealed and the following substituted therefor: 1960-61, c. 13, s. 12(6).

"(b) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or in any country in which the company is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking equally with or superior to the loan shall not exceed three-quarters of the value of the real estate or interest therein, subject to the exception that a company may accept as part payment for real estate sold by it a mortgage or hypothec for more than three-quarters of the sale price of the real estate; or" Real estate mortgages.

(8) Subsections (3) and (4) of section 63 of the said Act are repealed and the following substituted therefor: 1960-61, c. 13, s. 12(7).

"(3) Where a company owns securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not authorized as investments by the foregoing provisions of this section, the company may accept such bonds, debentures or other evidences of indebtedness or shares and they shall be allowed as assets of the company in the annual report prepared by the Superintendent for the Minister. Securities received on reorganization, liquidation or amalgamation.

Other assets.

(4) A company may make investments or loans not hereinbefore authorized by this section, including investments in real estate or leaseholds, subject to the following provisions:

Real estate for the production of income.

- (a) investments in real estate or leaseholds pursuant to this subsection shall be made only for the production of income, and may be made by the company in Canada or in any country in which the company is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada, and the company may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company pursuant to this subsection in any one parcel of real estate or in any one leasehold shall not exceed one per cent of the book value of the total assets of the company;
- (b) this subsection shall be deemed not to enlarge the authority conferred by subsections (1) and (2) to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds, and not to affect the operation of subparagraphs (iii), (iv) and (v) of paragraph (l) of subsection (1); and

Exceptions.

Limitation.

- (c) the total book value of the investments and loans made under this subsection and held by the company, excluding those that are or at any time since acquisition have been authorized as investments apart from this subsection, shall not exceed seven per cent of the book value of the total assets of the company."

1960-61, c. 13, s. 12(8).

(9) Subsections (7) and (8) of section 63 of the said Act are repealed and the following substituted therefor:

Limitation on investments in common shares.

"(7) The total book value of the investments of a company in common shares pursuant to this section and sections 64 and 64A shall not exceed twenty-five per cent of the book value of the total assets of the company.

Limitation on investments in real estate for the production of income.

(8) The total book value of the investments of a company in real estate or leaseholds for the production of income pursuant to paragraph (p) of subsection (1) and to subsection (4) shall not exceed ten per cent of the book value of the total assets of the company."

6. The said Act is further amended by adding thereto, immediately after section 64 thereof, the following section:

“64A. Notwithstanding anything in subsection (1) of section 63, a company registered to transact the business of life insurance may invest its funds in the fully paid shares of

Power of life insurance company to invest in shares of insurance and real estate companies.

- (a) any corporation incorporated outside Canada to undertake contracts of life insurance,
- (b) any corporation incorporated under the laws of Canada to undertake contracts of insurance other than contracts of life insurance, or
- (c) any corporation incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds,

subject to such terms and conditions as may be prescribed by the Treasury Board upon the report of the Superintendent.”

7. (1) Subsection (1) of section 67 of the said Act is amended by striking out the word “or” at the end of paragraph (d) thereof, by adding the word “or” at the end of paragraph (e) thereof and by adding thereto the following paragraph:

“(f) in connection with the relocation by the company of the place of employment of an employee, where the real estate serves as the residence of the employee immediately after the relocation or served as the residence of the employee immediately before the relocation, but the real estate shall not be allowed as an asset of the company in the annual report prepared by the Superintendent for the Minister if held for more than two years following its acquisition.”

(2) Subsection (2) of section 67 of the said Act is repealed.

8. (1) Paragraph (b) of subsection (4) of section 71 is repealed and the following substituted therefor:

“(b) the book values of all securities other than those described in paragraph (a) less a deduction equal to the lesser of

- (i) the excess, if any, of the aggregate of the book values over the aggregate of the market values of such securities, or

- (ii) the deduction prescribed by this paragraph for purposes of the immediately preceding annual statement together with one-third of the excess described in subparagraph (i)."

(2) Section 71 of the said Act is further amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Excess book value.

- "(4a) If the book value of any security to which paragraph (b) of subsection (4) applies is in excess of
- (a) the amortized value, in the case of a redeemable security, or
 - (b) the greater of the market value or the cost price, in the case of a non-redeemable security,
- the Superintendent may require the deduction described in subparagraph (ii) of that paragraph to be increased by the amount of the excess."

Application.

(3) This section is applicable to the annual statements for 1964 and subsequent years and in the calculation of the deduction prescribed for the annual statement for 1964 by paragraph (b) of subsection (4) of section 71 of the *Canadian and British Insurance Companies Act* as amended by this section, it shall be presumed that the deduction prescribed by that paragraph for the purposes of the immediately preceding annual statement was zero.

1960-61, c. 13,
s. 16(2).

9. Subsection (6) of section 81 of the said Act is repealed and the following substituted therefor:

Segregation of assets.

- "(6) Where a separate and distinct fund with separate assets is maintained pursuant to subsection (5), the assets of the fund so maintained shall be available only to meet the liabilities arising under policies in respect of which the fund is maintained, except that
- (a) amounts transferred to the separate and distinct fund from another fund of the company may, subject to the approval of the Superintendent, be withdrawn from the separate and distinct fund and transferred to such other fund as the directors may determine; and
 - (b) any assets remaining in the separate and distinct fund after the discharge of all of the company's liabilities in respect of the policies for which the fund is maintained, may be transferred to such other fund as the directors may determine."

10. Paragraph (a) of subsection (2) of section 82 of the said Act is repealed and the following substituted therefor:

- “(a) the rate of interest assumed shall not exceed the rate prescribed in the Third Schedule or such higher rate as may be authorized by the Superintendent for a particular class of policies issued by any company, on application to the Superintendent by the company accompanied by evidence satisfactory to the Superintendent that the higher rate is appropriate for that class of policies; and the Superintendent may at any time withdraw such authorization;”

Rate of interest.

11. Section 86 of the said Act is repealed and the following substituted therefor:

“**86.** Except for the *bona fide* purposes of protecting investments previously made by it or of making investments authorized by section 64 or 64A, no such company shall, nor shall its directors or officers or any of them on its behalf, under colour of an investment of the company's funds or otherwise, directly or indirectly be employed, concerned or interested in the formation or promotion of any other corporation, but nothing in this Act shall be deemed to prohibit any company from investing funds in securities of a newly formed corporation under and subject to the provisions of section 63.”

No power to form other companies

12. Section 90 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

“(1a) Without limiting the powers a company has under subsection (1), any company to which that subsection applies may, for the purpose of acquiring the business and property of a company pursuant to that subsection, purchase not less than sixty-seven per cent of the outstanding shares of any other insurance company incorporated under the laws of Canada or of any province thereof subject to the following provisions:

Acquisition of business of other companies by purchase of shares.

- (a) no such purchase shall be made unless authorized by the Treasury Board;
- (b) the Treasury Board may authorize such purchase on the report of the Superintendent, supported by evidence that

- (i) an offer to purchase has been made to all the shareholders of the other insurance company and has been accepted by the holders of at least sixty-seven per cent of the outstanding shares thereof, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of the shareholders duly called to consider the offer, or being partly in one form and partly in the other, and
- (ii) the purchase has been approved by at least three-fourths of the votes cast by shareholders and three-fourths of the votes cast by policyholders at a special general meeting of the company duly called to consider the purchase;
- (c) the power to purchase shares under this subsection is in addition to the powers set forth in sections 63 and 64A and the limitations, conditions and exceptions contained in those sections do not apply to any such purchase of shares; and
- (d) where a company has purchased shares under this subsection, the company shall, under the provisions of subsection (1), acquire the business, rights and property, and assume the duties, obligations and liabilities, of the other insurance company within the period of two years after the purchase has been authorized by the Treasury Board, but on being satisfied that the circumstances so warrant, the Treasury Board may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing company in the annual report prepared by the Superintendent for the Minister and the Superintendent may direct the company to sell or otherwise absolutely dispose of the shares."

13. (1) Paragraph (b) of section 1 of the Second Schedule to the said Act is repealed and the following substituted therefor:

- "(b) the bonds, debentures or other evidences of indebtedness of or guaranteed by a municipal

Municipal,
etc.,
securities.

corporation in Canada, or of a school corporation in Canada, or secured by rates or taxes levied under the authority of a province of Canada on property situated in such province, or the bonds, debentures or other evidences of indebtedness of a fabrique that are fully secured by a mortgage, charge or hypothec upon real estate or by such rates or taxes;"

(2) Paragraph (d) of section 1 of the Second Schedule to the said Act is repealed and the following substituted therefor:

"(d) the bonds or debentures issued by a charitable, educational or philanthropic corporation that are secured by the payment, assignment or transfer to a trust corporation in Canada of subsidies, payable by or under the authority of a province of Canada, sufficient to meet the interest as it falls due on the bonds or debentures and the principal amount of the bonds or debentures on maturity;"

Bonds
secured by
provincial
subsidy.

(3) Subparagraph (i) of paragraph (h) of section 1 of the Second Schedule to the said Act is repealed and the following substituted therefor:

1960-61, c. 13,
s. 29(1).

"(i) real estate or leaseholds;"

(4) Subparagraph (iii) of paragraph (h) of section 1 of the Second Schedule to the said Act is repealed and the following substituted therefor:

1960-61, c. 13,
s. 29(1).

"(iii) bonds, debentures or other evidences of indebtedness or shares, of a class specified in this section as assets that may be vested in trust, or cash balances, if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee;"

(5) Subparagraph (i) of paragraph (j) of section 1 of the Second Schedule to the said Act is repealed and the following substituted therefor:

"(i) of a Canadian corporation if, at the date of vesting thereof in trust, the preferred shares or the common shares of the corporation are eligible for vesting in trust under paragraph (k) or (l);"

(6) Paragraph (j) of section 1 of the Second Schedule to the said Act is further amended by striking out the word "or" at the end of subparagraph (i) thereof, by adding the word "or" at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

"(iii) of a Canadian corporation that are guaranteed by a corporation incorporated outside Canada where the bonds, debentures or other evidences of indebtedness of the guaranteeing corporation would, if it were a Canadian corporation, be eligible for vesting in trust under subparagraph (ii);"

1960-61, c. 13,
s. 29(2) and
(3).

(7) Paragraphs (ja) to (m) of section 1 of the Second Schedule to the said Act are repealed and the following substituted therefor:

Guaranteed
investment
certificates.

"(ja) guaranteed investment certificates issued by a trust company incorporated in Canada if, at the date of vesting thereof in trust, the preferred shares or the common shares of the trust company are eligible for vesting in trust under paragraph (k) or (l);

Preferred
shares.

(k) the preferred shares of a Canadian corporation if

(i) the corporation has paid a dividend in each of the five years immediately preceding the date of vesting of the preferred shares in trust at least equal to the specified annual rate upon all of its preferred shares, or

(ii) the common shares of the corporation are at the date of vesting of the preferred shares in trust eligible for vesting in trust under paragraph (l);

Common
shares.

(l) the fully paid common shares of a Canadian corporation that during a period of five years that ended less than one year before the date of vesting of the common shares in trust has either

(i) paid a dividend in each such year upon its common shares, or

(ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least four per cent of the average value at which the shares were carried in the capital

stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends, as the case may be, but

- (iii) except as provided in paragraph (la), a company shall not vest in trust more than thirty per cent of the common shares of any corporation, and
- (iv) a company shall not vest its own shares in trust and a company registered to transact the business of life insurance shall not, in respect of its life insurance business, vest in trust the shares of a company transacting the business of life insurance;
- (la) a company may vest in trust, subject to such terms and conditions as may be prescribed by the Treasury Board upon the report of the Superintendent, more than thirty per cent of the common shares of a corporation incorporated in Canada to acquire, hold, maintain, improve, lease or manage real estate or leaseholds in Canada; Shares of real estate company.
- (m) ground rents, mortgages or hypothecs on real estate or leaseholds in Canada, where the amount of the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage or hypothec that is vested in trust does not exceed three-quarters of the value of the real estate or leasehold covered thereby;" Real estate mortgages.

(8) Paragraphs (o) to (q) of section 1 of the Second Schedule to the said Act are repealed and the following substituted therefor: 1960-61, c. 13, s. 29(4).

- “(o) real estate or leaseholds for the production of income in Canada, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan company or trust company incorporated in Canada if Real estate for the production of income.
 - (i) a lease of the real estate or leasehold is made to, or guaranteed by
 - (A) the government of Canada or of any province or an agency of any such government or a municipality in Canada or any agency thereof, or

(B) a corporation, the preferred shares or common shares of which are, at the date of vesting of the real estate or leasehold in trust, eligible for vesting in trust under paragraph (k) or (l), and

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least eighty-five per cent of the amount invested in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment,

but a parcel of real estate or a leasehold may not be included in the assets vested in trust if the total investment by the company therein exceeds two per cent of the accepted value of the total assets in Canada of the company;

Other real estate for the production of income.

(p) real estate or leaseholds for the production of income in Canada, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan company or trust company incorporated in Canada, if the real estate or leasehold has produced in each of the three years immediately preceding the date of vesting thereof in trust net revenue in an amount that, if received in each year following the date of investment, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least eighty-five per cent of that amount within the portion of the economic lifetime of the improvements to the real estate or leasehold that remained at the date of investment but not exceeding forty years from that date; but a parcel of real estate or a leasehold may not be included in the assets vested in trust if the total investment by the company therein exceeds two per cent of the accepted value of the total assets in Canada of the company;

Real estate for use and occupancy, or acquired by foreclosure.

(q) real estate in Canada required by the company for its actual use or occupation or reasonably required by it for the natural expansion of its business or acquired by foreclosure of a mortgage on real estate where the mortgage is vested in trust under this Act; or

- (r) cash balances in Canadian funds in the hands of the trustee or in a trust account maintained by the trustee in a chartered bank in Canada.” Cash.

14. Paragraph (b) of section 2 of the Second Schedule to the said Act is repealed and the following substituted therefor: 1960-61, c. 13, s. 30.

- “(b) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada, where the amount of the loan together with the amount of indebtedness under any mortgage or other charge on the real estate or interest therein ranking equally with or superior to the loan does not exceed three-quarters of the value of the real estate or interest therein, subject to the exception that a company that has real estate vested in trust may, upon sale thereof, vest in trust a mortgage or other title accepted as part payment and secured thereon for more than three-quarters of the sale price of the real estate; or” Real estate mortgages.

15. Section 3 of the Second Schedule to the said Act is repealed and the following substituted therefor: 1960-61, c. 13, s. 31.

“3. Where a company has vested in trust the securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, the company acquires, in exchange for such securities, bonds, debentures or other evidences of indebtedness or shares not eligible under the foregoing provisions of this Schedule for vesting in trust, the bonds, debentures or other evidences of indebtedness or shares so acquired may be vested in trust for the purposes of this Act.” Securities received on reorganization, liquidation or amalgamation.

16. Section 4 of the Second Schedule to the said Act is repealed and the following substituted therefor: 1960-61, c. 13, s. 32.

“4. Investments or loans not eligible under the foregoing provisions of this Schedule for vesting in trust, including investments in real estate or leaseholds, subject to the following provisions: Other assets.

- (a) investments in real estate or leaseholds may be vested in trust pursuant to this section if the investment is made only for the production of income and is made in Canada, either alone or Real estate for the production of income.

jointly with any other insurance company transacting the business of insurance in Canada but a parcel of real estate or a leasehold may not be included in the assets vested in trust if the total investment therein exceeds one per cent of the accepted value of the total assets in Canada of the company;

Exceptions.

- (b) this section shall be deemed not to enlarge the authority conferred by sections 1 and 2 of this Schedule to vest in trust mortgages or hypothecs or loans on real estate or leaseholds, and not to affect the operation of subparagraphs (iii) and (iv) of paragraph (l) of section 1 of this Schedule; and

Limitation.

- (c) the total accepted value of the investments and loans vested in trust pursuant to this section, excluding those that are or at any time since vesting in trust have been eligible for vesting in trust apart from this section, shall not exceed seven per cent of the accepted value of the total assets in Canada of the company."

1960-61, c. 13,
s. 34.

17. Sections 6 and 7 of the Second Schedule to the said Act are repealed and the following substituted therefor:

Limitation on
common
shares.

"**6.** The total accepted value of the common shares vested in trust by any company under this Schedule shall not at any time exceed twenty-five per cent of the accepted value of the total assets in Canada of the company.

Limitation on
real estate
for the
production
of income.

7. The total accepted value of the real estate or leaseholds for the production of income vested in trust by any company under paragraph (p) of section 1 and under section 4 of this Schedule shall not at any time exceed ten per cent of the accepted value of the total assets in Canada of the company."

Securities of
Jamaica, and
Trinidad and
Tobago.

18. (1) A company registered under Part III of the *Canadian and British Insurance Companies Act* may invest its funds or any portion thereof in the bonds, debentures, stocks or other evidences of indebtedness of or guaranteed by the Government of Jamaica or the Government of Trinidad and Tobago; and for the purposes of that Act this subsection operates to the same extent and with the same effect as if each such government had been enumerated in paragraph (a) of subsection (1) of section 63 of that Act.

(2) The bonds, debentures, stocks and other evidences of indebtedness of or guaranteed by the Government of Jamaica or the Government of Trinidad and Tobago are assets that may, for the purposes of Part VIII of the *Canadian and British Insurance Companies Act*, be vested in trust in Canada by a British company within the meaning of that Act; and for the purposes of that Act this subsection operates to the same extent and with the same effect as if each such government had been enumerated in paragraph (a) of section 1 of the Second Schedule to that Act.

PART II.

FOREIGN INSURANCE COMPANIES ACT.

R.S., c. 125;
1956, c. 30;
1960-61, c. 16.

19. Subsection (6) of section 37 of the *Foreign Insurance Companies Act* is repealed and the following substituted therefor:

1960-61,
c. 16,
s. 4(2).

“(6) Where a separate and distinct fund with separate assets is maintained pursuant to subsection (5), the assets of the fund so maintained shall be available only to meet the liabilities arising under policies in respect of which such fund is maintained, except that amounts transferred to the separate and distinct fund from other funds of the company may, subject to the approval of the Superintendent, be withdrawn from the separate and distinct fund and transferred to such other funds as the directors may determine.”

Segregation
of assets.

20. (1) Paragraph (b) of section 1 of Schedule I to the said Act is repealed and the following substituted therefor:

“(b) the bonds, debentures or other evidences of indebtedness of or guaranteed by a municipal corporation in Canada, or of a school corporation in Canada, or secured by rates or taxes levied under the authority of a province of Canada on property situated in such province, or the bonds, debentures or other evidences of indebtedness of a fabrique that are fully secured by a mortgage, charge or hypothec upon real estate or by such rates or taxes;”

Municipal,
etc.,
securities.

(2) Paragraph (d) of section 1 of Schedule I to the said Act is repealed and the following substituted therefor:

Bonds
secured by
provincial
subsidy.

“(d) the bonds or debentures issued by a charitable, educational or philanthropic corporation that are secured by the payment, assignment or transfer to a trust corporation in Canada of subsidies, payable by or under the authority of a province of Canada, sufficient to meet the interest as it falls due on the bonds or debentures and the principal amount of the bonds or debentures on maturity;”

1960-61, c. 16,
s. 9(1).

(3) Subparagraph (i) of paragraph (h) of section 1 of Schedule I to the said Act is repealed and the following substituted therefor:

“(i) real estate or leaseholds;”

1960-61, c. 16,
s. 9(1).

(4) Subparagraph (iii) of paragraph (h) of section 1 of Schedule I to the said Act is repealed and the following substituted therefor:

“(iii) bonds, debentures or other evidences of indebtedness or shares, of a class specified in this section as assets that may be vested in trust, or cash balances, if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee;”

(5) Subparagraph (i) of paragraph (j) of section 1 of Schedule I to the said Act is repealed and the following substituted therefor:

“(i) of a Canadian corporation if, at the date of vesting thereof in trust, the preferred shares or the common shares of the corporation are eligible for vesting in trust under paragraph (k) or (l),”

(6) Paragraph (j) of section 1 of Schedule I to the said Act is further amended by striking out the word “or” at the end of subparagraph (i) thereof, by adding the word “or” at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

“(iii) of a Canadian corporation that are guaranteed by a corporation incorporated outside Canada where the bonds, debentures or other evidences of indebtedness of the guaranteeing corporation would, if it were

a Canadian corporation, be eligible for vesting in trust under subparagraph (ii);”

(7) Paragraphs (ja) to (m) of section 1 of Schedule I to the said Act are repealed and the following substituted therefor: 1960-61, c. 16, s. 9(2) and (3).

- “(ja) guaranteed investment certificates issued by a trust company incorporated in Canada if, at the date of vesting thereof in trust, the preferred shares or the common shares of the trust company are eligible for vesting in trust under paragraph (k) or (l); Guaranteed investment certificates.
- (k) the preferred shares of a Canadian corporation if Preferred shares.
- (i) the corporation has paid a dividend in each of the five years immediately preceding the date of vesting of the preferred shares in trust at least equal to the specified annual rate upon all of its preferred shares, or
- (ii) the common shares of the corporation are at the date of vesting of the preferred shares in trust eligible for vesting in trust under paragraph (l);
- (l) the fully paid common shares of a Canadian corporation that during a period of five years that ended less than one year before the date of vesting of the common shares in trust has either Common shares.
- (i) paid a dividend in each such year upon its common shares, or
- (ii) had earnings in each such year available for the payment of a dividend upon its common shares,
- of at least four per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends, as the case may be, but
- (iii) except as provided in paragraph (la), a company shall not vest in trust more than thirty per cent of the common shares of any corporation, and
- (iv) a company shall not vest its own shares in trust and a company registered to transact the business of life insurance shall not, in respect of its life insurance business, vest

Shares of
real estate
company.

- in trust the shares of a company trans-
acting the business of life insurance;
(la) a company may vest in trust, subject to such
terms and conditions as may be prescribed by
the Treasury Board upon the report of the
Superintendent, more than thirty per cent of the
common shares of a corporation incorporated
in Canada to acquire, hold, maintain, improve,
lease or manage real estate or leaseholds in
Canada;

Real estate
mortgages.

- (m) ground rents, mortgages or hypothecs on
real estate or leaseholds in Canada, where the
amount of the mortgage or hypothec together
with the amount of indebtedness under any
mortgage or hypothec on the real estate or
leasehold ranking equally with or superior
to the mortgage or hypothec that is vested in
trust does not exceed three-quarters of the
value of the real estate or leasehold covered
thereby;"

1960-61, c. 16,
s. 9(4).

(8) Paragraphs (o) to (q) of section 1 of Sched-
ule I to the said Act are repealed and the following sub-
stituted therefor:

Real estate
for the
production
of income.

- "(o) real estate or leaseholds for the production of
income in Canada, either alone or jointly with
any other insurance company transacting the
business of insurance in Canada or with any
loan company or trust company incorporated
in Canada if
- (i) a lease of the real estate or leasehold is
made to, or guaranteed by
 - (A) the government of Canada or of any
province or an agency of any such
government or a municipality in
Canada or any agency thereof, or
 - (B) a corporation, the preferred shares or
the common shares of which are, at the
date of vesting of the real estate or
leasehold in trust, eligible for vesting
in trust under paragraph (k) or (l),
and
 - (ii) the lease provides for a net revenue suffi-
cient to yield a reasonable interest return
during the period of the lease and to repay
at least eighty-five per cent of the amount
invested in the real estate or leasehold

within the period of the lease but not exceeding thirty years from the date of investment,

but a parcel of real estate or a leasehold may not be included in the assets vested in trust if the total investment by the company therein exceeds two per cent of the accepted value of the total assets in Canada of the company;

- (p) real estate or leaseholds for the production of income in Canada, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan company or trust company incorporated in Canada, if the real estate or leasehold has produced in each of the three years immediately preceding the date of vesting thereof in trust net revenue in an amount that, if received in each year following the date of investment, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least eighty-five per cent of that amount within the portion of the economic lifetime of the improvements to the real estate or leasehold that remained at the date of investment but not exceeding forty years from that date; but a parcel of real estate or a leasehold may not be included in the assets vested in trust if the total investment by the company therein exceeds two per cent of the accepted value of the total assets in Canada of the company;
- (q) real estate in Canada required by the company for its actual use or occupation or reasonably required by it for the natural expansion of its business or acquired by foreclosure of a mortgage on real estate where the mortgage is vested in trust under this Act; or
- (r) cash balances in Canadian funds in the hands of the trustee or in a trust account maintained by the trustee in a chartered bank in Canada."

Other real estate for the production of income.

Real estate for use and occupancy, or acquired by foreclosure.

Cash.

21. Paragraph (b) of section 2 of Schedule I to the said Act is repealed and the following substituted therefor:

1960-61, c. 16. s. 10.

- "(b) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada, where the amount of the loan together with the amount of indebtedness under any mortgage or other charge on the real estate or

Real estate mortgages.

interest therein ranking equally with or superior to the loan does not exceed three-quarters of the value of the real estate or interest therein, subject to the exception that a company that has real estate vested in trust may, upon sale thereof, vest in trust a mortgage or other title accepted as part payment and secured thereon for more than three-quarters of the sale price of the real estate; or"

1960-61, c. 16,
s. 11.

22. Section 3 of Schedule I to the said Act is repealed and the following substituted therefor:

Securities
received on
reorganiza-
tion,
liquidation or
amalgama-
tion.

"**3.** Where a company has vested in trust the securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, the company acquires in exchange for such securities, bonds, debentures or other evidences of indebtedness or shares not eligible under the foregoing provisions of this Schedule for vesting in trust, the bonds, debentures or other evidences of indebtedness or shares so acquired may be vested in trust for the purposes of this Act."

1960-61, c. 16,
s. 12.

23. Section 4 of Schedule I to the said Act is repealed and the following substituted therefor:

Other assets.

"**4.** Investments or loans not eligible under the foregoing provisions of this Schedule for vesting in trust, including investments in real estate or leaseholds, subject to the following provisions:

Real estate
for the
production
of income.

(a) investments in real estate or leaseholds may be vested in trust pursuant to this section if the investment is made only for the production of income and is made in Canada, either alone or jointly with any other insurance company transacting the business of insurance in Canada but a parcel of real estate or a leasehold may not be included in the assets vested in trust if the total investment therein exceeds one per cent of the accepted value of the total assets in Canada of the company;

Exceptions.

(b) this section shall be deemed not to enlarge the authority conferred by sections 1 and 2 of this Schedule to vest in trust mortgages or hypothecs or loans on real estate or leaseholds, and not to affect the operation of subparagraphs (iii) and (iv) of paragraph (l) of section 1 of this Schedule; and

- (c) the total accepted value of the investments and loans vested in trust pursuant to this section, excluding those that are or at any time since vesting in trust have been eligible for vesting in trust apart from this section, shall not exceed seven per cent of the accepted value of the total assets in Canada of the company." Limitation.

24. Sections 6 and 7 of Schedule I to the said Act are repealed and the following substituted therefor: 1960-61, c. 16, s. 14.

"6. The total accepted value of the common shares vested in trust by any company under this Schedule shall not at any time exceed twenty-five per cent of accepted value of the total assets in Canada of the company. Limitation on common shares.

7. The total accepted value of the real estate or leaseholds for the production of income vested in trust by any company under paragraph (p) of section 1 and under section 4 of this Schedule shall not at any time exceed ten per cent of the accepted value of the total assets in Canada of the company." Limitation on real estate for the production of income.

25. Paragraph (a) of section 1 of Schedule II to the said Act is repealed and the following substituted therefor:

- "(a) the rate of interest assumed shall not exceed the rate prescribed in the Annex to this Schedule or such higher rate as may be authorized by the Superintendent for a particular class of policies issued by any company on application to the Superintendent by the company accompanied by evidence satisfactory to the Superintendent that the higher rate is appropriate for that class of policies; and the Superintendent may at any time withdraw such authorization;" Rate of interest.

26. The bonds, debentures, stocks and other evidences of indebtedness of or guaranteed by the Government of Jamaica or the Government of Trinidad and Tobago are assets that may, for the purposes of the *Foreign Insurance Companies Act*, be vested in trust in Canada by a company within the meaning of that Act; and for the purposes of that Act this section operates to the same extent and with the same effect as if each such government had been enumerated in paragraph (a) of section 1 of Schedule I to that Act. Securities of Jamaica, and Trinidad and Tobago.

R.S., c. 272;
1952-53, c. 10;
1958, c. 42;
1960-61, c. 55.

PART III.

TRUST COMPANIES ACT.

27. The *Trust Companies Act* is amended by adding thereto, immediately after section 6 thereof, the following section:

Corporate
name in
French or
English form.

“**6A.** (1) A company may request the Governor in Council to provide it with a French or English form of its corporate name and the Governor in Council may, by order, in accordance with the request, provide the company with a French or English form of its corporate name.

Notice.

(2) Before any such request is made to the Governor in Council, notice of the intention to make the request, showing therein the French or English form of the corporate name to be requested, as the case may be, shall be published at least once a week for a period of four consecutive weeks in the *Canada Gazette* and in a newspaper published at or near the place where the head office of the company is situated.

Order to be
published.

(3) An order made under subsection (1) shall be published by the Governor in Council in the *Canada Gazette*.

Not to be
identical or
objectionable.

(4) A requested French or English name shall not be given to a company under this section if

- (a) the requested form is the same as the name of any corporation, association or firm carrying on business in Canada or incorporated under the laws of Canada or of any province thereof, or so nearly resembles that name as to be in the opinion of the Governor in Council likely to deceive or likely to be confused with that name, unless the corporation, association or firm is in the course of being dissolved or of changing its name and signifies its consent in such manner as the Governor in Council may require; or
- (b) the requested form is otherwise on public grounds objectionable.

Effect of
order.

(5) After the publication of an order made under subsection (1), the company mentioned in that order may from time to time as it sees fit use, or it may be legally designated by, either the French or English form of its corporate name as provided in the order, or both forms; and, except as provided in this subsection, the provision of a French or English form of a corporate name does not affect in any way the rights, powers, obligations or liabilities of the company.”

28. Section 18 of the said Act is repealed and the following substituted therefor:

"18. No shareholder is eligible for election as a director unless he holds in his own name and for his own use shares of the capital stock of the company on which at least five hundred dollars has been paid to the company as capital or credited by the company as capital and has paid in cash all calls due thereon and all liabilities incurred by him to the company; and, if any director makes an assignment for the benefit of creditors or comes within the operation of any insolvency law or ceases to hold shares on which at least five hundred dollars has been paid as capital or credited as capital as aforesaid, he thereupon ceases to be a director."

Qualification
of directors

29. Subsection (2) of section 27 of the said Act is repealed and the following substituted therefor:

"(2) Notwithstanding subsection (1), a company may, if authorized by by-law duly passed by the directors and confirmed by at least two-thirds of the votes cast at a special general meeting of shareholders duly called for considering the by-law, provide that the capital stock shall be divided into shares of one dollar, or any multiple thereof not exceeding one hundred dollars, each."

Shares

30. The said Act is further amended by adding thereto, immediately after section 36 thereof, the following sections:

- "36A.** (1) In this section and sections 36B to 36E,
- (a) "corporation" includes an association, partnership or other organization;
 - (b) "non-resident" means
 - (i) an individual who is not ordinarily resident in Canada,
 - (ii) a corporation incorporated, formed or otherwise organized, elsewhere than in Canada,
 - (iii) a corporation that is controlled directly or indirectly by non-residents as defined in subparagraph (i) or (ii),
 - (iv) a trust established by a non-resident as defined in subparagraph (i), (ii) or (iii), or a trust in which non-residents as so defined have more than fifty per cent of the beneficial interest, or

Definitions.

"Corporation."

"Non-resident."

"Resident."

Associated
shareholder.

(v) a corporation that is controlled directly or indirectly by a trust mentioned in subparagraph (iv); and

(c) "resident" means an individual, corporation or trust that is not a non-resident.

(2) For the purposes of sections 36B to 36E, a shareholder is deemed to be associated with another shareholder if

- (a) one shareholder is a corporation of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a corporation that is controlled directly or indirectly by the other shareholder;
- (d) both shareholders are corporations and one shareholder is controlled directly or indirectly by the same individual or corporation that controls directly or indirectly the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of the company; or
- (f) both shareholders are associated within the meaning of paragraphs (a) to (e) with the same shareholder.

Shares held
jointly.

(3) For the purposes of sections 36B to 36E, where a share of the capital stock of a company is held jointly and one or more of the joint holders thereof is a non-resident, the share is deemed to be held by a non-resident.

Limit on
shares held
by non-
residents.

36B. (1) The directors of a company shall refuse to allow in the book or books referred to in section 35 the entry of a transfer of any share of the capital stock of the company to a non-resident

- (a) if, when the total number of shares of the capital stock of the company held by non-residents exceeds twenty-five per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the number of such shares held by non-residents;
- (b) if, when the total number of shares of the capital stock of the company held by non-residents is twenty-five per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the total number of such shares of stock

held by non-residents to exceed twenty-five per cent of the total number of issued and outstanding shares of such stock;

- (c) when the total number of shares of the capital stock of the company held by the non-resident and by other shareholders associated with him, if any, exceeds ten per cent of the total number of issued and outstanding shares of such stock; or
- (d) if, when the total number of shares of the capital stock of the company held by the non-resident and by other shareholders associated with him, if any, is ten per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the number of such shares of stock held by the non-resident and by other shareholders associated with him, if any, to exceed ten per cent of the issued and outstanding shares of such stock.

(2) The directors of a company shall not, after the day of commencement of the first general meeting of the shareholders of the company, allot, or allow the allotment of, any shares of the capital stock of the company to any non-resident in circumstances where, if the allotment to such non-resident were a transfer of those shares, the entry thereof in such book or books would be required, under subsection (1), to be refused by the directors.

Allotment
to non-
resident.

(3) Default in complying with the provisions of this section does not affect the validity of a transfer or allotment of a share of the capital stock of the company that has been entered in the book or books referred to in section 35, but every director who knowingly authorizes or permits such default is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Penalty.

36C. (1) Where a resident holds shares of the capital stock of a company in the right of, or for the use or benefit of, a non-resident, the resident shall not, either in person or by proxy, exercise the voting rights pertaining to those shares.

Voting rights
of nominees
suspended.

(2) Subject to subsection (3) of section 36E, where any shares of the capital stock of a company are held in the name or right of or for the use or benefit of a non-resident, no person shall, either as proxy

Voting rights
of non-
residents.

or in person, exercise the voting rights pertaining to such shares held by the non-resident or in his right or for his use or benefit, if the total of such shares so held, together with such shares held in the name or right of or for the use or benefit of

- (a) any shareholders associated with the non-resident, or
- (b) any persons who would, under subsection (2) of section 36A, be deemed to be shareholders associated with the non-resident were such persons and the non-resident themselves shareholders,

exceed in number ten per cent of the issued and outstanding shares of such stock.

Penalty.

(3) Every person who knowingly contravenes a provision of this section is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Effect of contravention.

(4) If any provision of this section is contravened at a general meeting of the company, no proceeding, matter or thing at that meeting is void by reason only of such contravention, but any such proceeding, matter or thing is, at any time within one year from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the shareholders by a resolution passed at a special general meeting of the company.

By-laws.

36D. (1) The directors of a company may make such by-laws as they deem necessary to carry out the intent of sections 36A to 36E and in particular, but without restricting the generality of the foregoing, the directors may make by-laws

- (a) requiring any person holding any share of the capital stock of the company to submit declarations
 - (i) with respect to the ownership of such share,
 - (ii) with respect to the place in which the shareholder and any person for whose use or benefit the share is held are ordinarily resident,
 - (iii) whether the shareholder is associated with any other shareholder, and
 - (iv) with respect to such other matters as the directors may deem relevant for the purposes of sections 36A to 36E;

- (b) prescribing the times at which and the manner in which any declarations required under paragraph (a) are to be submitted; and
- (c) requiring any person desiring to have a transfer of a share to him entered in the book or books referred to in section 35 to submit such a declaration as may be required pursuant to this section in the case of a shareholder.

(2) Where pursuant to any by-law made under subsection (1) any declaration is required to be submitted by any shareholder or person in respect of the transfer of any share, the directors may refuse to enter such transfer in the book or books referred to in section 35 until the required declaration has been completed and submitted.

Where declaration pending.

36E. (1) In this section,

- (a) "associates of the non-resident" means, with reference to any particular day,

Definitions
"Associates of the non-resident."

- (i) any shareholders associated with the non-resident on that day, and
- (ii) any persons who would, under subsection (2) of section 36A, be deemed to be shareholders associated with the non-resident on that day were such persons and the non-resident themselves shareholders;

- (b) "prescribed day" means the 23rd day of September, 1964; and

"Prescribed day."

- (c) "shares held by or for the non-resident and associates" means, with reference to any particular day, the aggregate number of shares held on that day in the name or right of or for the use or benefit of the non-resident and associates of the non-resident on that day.

"Shares held by or for the non-resident and associates."

(2) Where more than fifty per cent of the issued and outstanding shares of the capital stock of a company are held in the name or right of or for the use or benefit of one non-resident

Exception for non-resident ownership of company.

- (a) at the commencement of the prescribed day, in the case of a company incorporated before that day, or
- (b) on the day of commencement of the first general meeting of the shareholders of the company, in the case of a company incorporated on or after the prescribed day,

sections 36B to 36D do not apply to or in respect of that company; but if at any time thereafter there is no one non-resident in whose name or right or for whose

use or benefit more than fifty per cent of the issued and outstanding shares of the capital stock of the company are held, those sections apply from and after that time to and in respect of that company.

Exception for
individual
non-resident.

(3) Where at the commencement of the prescribed day the number of shares of the capital stock of a company held in the name or right of or for the use or benefit of a non-resident together with the number of such shares, if any, held at the commencement of that day in the name or right of or for the use or benefit of any associates of the non-resident exceed ten per cent of the number of shares of such stock at that time issued and outstanding, the voting rights pertaining to the shares held in the name or right of or for the use or benefit of the non-resident may notwithstanding subsection (2) of section 36c be exercised, in person or by proxy, so long as the percentage of such shares held by or for the non-resident and associates does not exceed either the percentage of such shares held by or for the non-resident and associates at the commencement of the prescribed day or the smallest percentage of such shares held by or for the non-resident and associates on any subsequent day; but this subsection shall not be construed to prohibit the exercise of voting rights in circumstances where section 36c does not apply.

Change of
status of
corporate
resident.

(4) Where after the coming into force of this section a corporation that was at any time a resident becomes a non-resident, any shares of the capital stock of the company acquired by the corporation while it was a resident and held by it while it is a non-resident shall be deemed, for the purposes of sections 36b and 36c, to be shares held by a resident for the use or benefit of a non-resident.

Stock
splits.

(5) Where on or after the prescribed day the par value of shares of the capital stock of the company is reduced, the directors of the company may, notwithstanding subsection (2) of section 36b, allot shares of the capital stock of the company of the reduced par value to a non-resident who is a shareholder in exchange for shares of such stock of the unreduced par value, but not so as thereby to effect an increase in the aggregate par value of the shares of such stock held by the non-resident.

Transferring
beneficial
holding.

(6) The directors of a company may, notwithstanding section 36b, allow in the book or books referred to in section 35 the entry of a transfer of any share of the capital stock of the company from a resident to a non-resident where it is shown to the

directors on evidence satisfactory to them that the share was at the commencement of the prescribed day held by the resident in the right of or for the use or benefit of the non-resident.

(7) If at any time on or after the prescribed day and before the coming into force of section 36B the directors of a company allow, in the book or books referred to in section 35, the entry of any transfer or allotment of any share of the capital stock of the company to a non-resident that they would have been required to refuse or prevent under section 36B had that section come into force on the prescribed day, no person shall, as proxy or in person, exercise the voting rights pertaining to such share so long as the share is held in the name or right of or for the use or benefit of any non-resident.

Entry after
prescribed
day.

(8) Subsections (3) and (4) of section 36C apply to the contravention of any provision of subsection (7) of this section.

Application
of subsections
(3) and (4) of
section 36C.

(9) In determining for the purposes of sections 36A to 36E whether a person is a resident or non-resident, by whom a corporation is controlled, or any other circumstances relevant to the performance of their duties under those sections, the directors of the company may rely upon any statements made in any declarations submitted under section 36D or rely upon their own knowledge of the circumstances; and the directors are not liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge."

Conclusions
reached by
directors.

31. Subsection (3) of section 49 of the said Act is repealed and the following substituted therefor:

"(3) The report in each case shall state whether the auditors have obtained all the information and explanations they have required and shall state in addition,

Contents
of report.

- (a) in the report to the shareholders, whether in the opinion of the auditors the statement exhibits a true and correct view of the state of the company's affairs as at the date of the statement and of the results of the operations of the company during the year that ended on that date according to the best of their information and the explanations given to them and as shown by the books of the company; and

- (b) in the report to the Superintendent, whether in the opinion of the auditors the statement exhibits a true and correct view of the assets and liabilities of the company as at the date of the statement, the income and expenditure of the company during the year that ended on that date and the results of the operations of the company for that year according to the best of their information and the explanations given to them and as shown by the books of the company."

1960-61: c. 55.
s. 1(1).

32. (1) Subparagraph (ii) of paragraph (a) of subsection (1) of section 64 of the said Act is repealed and the following substituted therefor:

- "(ii) mortgages or hypothecs on freehold real estate in Canada and agreements for sale of such real estate, but the amount paid for the mortgage, hypothec or agreement for sale, together with the amount of indebtedness under any mortgage, hypothec or agreement for sale ranking equally with or superior to the mortgage, hypothec or agreement for sale in which the investment is made, shall not exceed three-quarters of the value of the real estate,"

(2) Subparagraph (ii) of paragraph (b) of subsection (1) of section 64 of the said Act is repealed and the following substituted therefor:

- "(ii) the securities mentioned in paragraphs (b) to (j) inclusive of subsection (1) of section 68, if the security is also authorized by the instrument creating the trust, but the amount invested under this subparagraph in common shares shall not exceed twenty-five per cent of the guaranteed trust money held by the company, or"

1960-61, c. 55.
s. 1(3).

(3) Subparagraph (iii) of paragraph (c) of subsection (1) of section 64 of the said Act is repealed and the following substituted therefor:

- "(iii) freehold real estate in Canada, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate

ranking equally with or superior to the loan, shall not exceed three-quarters of the value of the real estate; and"

(4) Subparagraph (iii) of paragraph (d) of subsection (1) of section 64 of the said Act is repealed and the following substituted therefor: 1960-61, c. 55, s. 1(4).

"(iii) freehold real estate in Canada, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking equally with or superior to the loan, shall not exceed three-quarters of the value of the real estate."

(5) Subsection (7) of section 64 of the said Act is repealed.

33. (1) Paragraphs (j) and (k) of subsection (1) of section 68 of the said Act are repealed and the following substituted therefor: 1960-61, c. 55, s. 2(2).

"(j) fully paid common shares of a corporation incorporated in Canada that during a period of five years that ended less than one year before the date of investment has either

(i) paid a dividend in each such year upon its common shares, or

(ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least four per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends as the case may be, but not more than thirty per cent of the common shares and not more than thirty per cent of the total issue of the shares of any corporation shall be purchased by the company and the company shall not invest in its own stock or in the stock of any other trust company;

(k) mortgages or hypothecs on freehold real estate in Canada and agreements for sale of such real estate, but the amount paid for the mortgage, hypothec or agreement for sale, together with the amount of indebtedness under any

mortgage, hypothec or agreement for sale ranking equally with or superior to the mortgage, hypothec or agreement for sale in which the investment is made, shall not exceed three-quarters of the value of the real estate; or"

1960-61, c. 55,
s. 2(5).

(2) Paragraph (d) of subsection (3) of section 68 of the said Act is repealed and the following substituted therefor:

"(d) freehold real estate in Canada, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking equally with or superior to the loan, shall not exceed three-quarters of the value of the real estate, subject to the exception that the company may accept as part payment for real estate sold by it a mortgage or hypothec for more than three-quarters of the sale price of the real estate."

1960-61, c. 55,
s. 2(7).

(3) Subsection (8) of section 68 of the said Act is repealed.

1960-61, c. 55,
s. 2(8).

(4) Subsection (12) of section 68 of the said Act is repealed and the following substituted therefor:

Limit on
investment
in common
stocks.

"(12) The book value of the investments of the company's own funds in common shares of capital stock of corporations shall not exceed in the aggregate twenty-five per cent of the company's unimpaired paid-up capital and reserve."

1958, c. 42,
s. 10.

34. Subsections (3) and (4) of section 70 of the said Act are repealed and the following substituted therefor:

Limitation
of amount.

"(3) The aggregate of the sums of money borrowed and the sums of money entrusted to the company for investment the repayment of which is guaranteed by the company shall not at any time, except as authorized by subsection (4), exceed twelve and one-half times the excess of the assets of the company over its liabilities.

By-law to
increase
limit of
amount.

(4) A company may, by by-law passed by the directors and approved by at least a three-fourths vote of the shareholders present or represented by proxy at an annual or other general meeting of the company duly called for the purpose of considering the by-law, increase the limit of the amount that

may be borrowed by the company and accepted by the company in trust for investment, as set forth in subsection (3), to such an amount as the said by-law may provide, subject to the following conditions:

- (a) the power conferred by the said by-law shall not be exercised by the company unless the by-law is approved by the Treasury Board on the recommendation of the Superintendent; and
- (b) the said by-law shall not increase the limit beyond, in the aggregate, fifteen times the excess of the assets of the company over its liabilities.

(5) Where a trust company owns more than ten per cent of the shares of the capital stock of a loan company within the meaning of the *Loan Companies Act*, or where more than ten per cent of the shares of the capital stock of a trust company are owned by a loan company to which the *Loan Companies Act* applies, the trust company shall not borrow any money or accept any money in trust for investment as set forth in subsection (3) when the aggregate of the money borrowed by the trust company and the money borrowed by the loan company exceeds, or when the borrowing or accepting of money in trust for investment would cause that aggregate to exceed, the total amount that the trust company would be permitted to borrow and accept in trust for investment pursuant to subsection (3) or (4) if

Additional
limitation.

- (a) the assets of the trust company were equal to the aggregate of the assets of the trust company (excluding therefrom shares of the capital stock of the loan company) and the assets of the loan company (excluding therefrom shares of the capital stock of the trust company), and
- (b) the liabilities of the trust company were equal to the aggregate of the liabilities of the trust company and the liabilities of the loan company.

(6) Subsections (3), (4) and (5) apply to every trust company at any time incorporated by Act of the Parliament of Canada or by letters patent issued under the authority of any Act of the Parliament of Canada.

Application
of subsections
(3), (4) and
(5).

(7) For the purposes of subsection (5) money borrowed by a trust company includes money accepted by the company in trust for investment the repayment of which is guaranteed by the company; and money

Money
borrowed
defined.

borrowed by a loan company includes all moneys the repayment of which is guaranteed by the loan company."

PART IV.

LOAN COMPANIES ACT.

R.S., c. 170;
1952-53, c. 5;
1958, c. 35;
1960-61, c. 51.

35. The *Loan Companies Act* is amended by adding thereto, immediately after section 6 thereof, the following section:

Corporate
name in
French or
English form.

"**6A.** (1) A company may request the Governor in Council to provide it with a French or English form of its corporate name and the Governor in Council may, by order, in accordance with the request, provide the company with a French or English form of its corporate name.

Notice.

(2) Before any such request is made to the Governor in Council, notice of the intention to make the request, showing therein the French or English form of the corporate name to be requested, as the case may be, shall be published at least once a week for a period of four consecutive weeks in the *Canada Gazette* and in a newspaper published at or near the place where the head office of the company is situated.

Order to be
published.

(3) An order made under subsection (1) shall be published by the Governor in Council in the *Canada Gazette*.

Not to be
identical or
objectionable.

(4) A requested French or English name shall not be given to a company under this section if

- (a) the requested form is the same as the name of any corporation, association or firm carrying on business in Canada or incorporated under the laws of Canada or of any province thereof, or so nearly resembles that name as to be in the opinion of the Governor in Council likely to deceive or likely to be confused with that name, unless the corporation, association or firm is in the course of being dissolved or of changing its name and signifies its consent in such manner as the Governor in Council may require; or
- (b) the requested form is otherwise on public grounds objectionable.

Effect of
order.

(5) After the publication of an order made under subsection (1), the company mentioned in that order may from time to time as it sees fit use, or it may be legally designated by, either the French or English form of its corporate name as provided in the order,

or both forms; and, except as provided in this subsection, the provision of a French or English form of a corporate name does not affect in any way the rights, powers, obligations or liabilities of the company."

36. Section 18 of the said Act is repealed and the following substituted therefor:

"**18.** No shareholder is eligible for election as a director unless he holds in his own name and for his own use shares of the capital stock of the company on which at least five hundred dollars has been paid to the company as capital or credited by the company as capital and has paid in cash all calls due thereon and all liabilities incurred by him to the company; and, if any director makes an assignment for the benefit of creditors or comes within the operation of any insolvency law or ceases to hold shares on which at least five hundred dollars has been paid as capital or credited as capital as aforesaid, he thereupon ceases to be a director."

Qualification
of directors.

37. Subsection (2) of section 27 of the said Act is repealed and the following substituted therefor:

"(2) Notwithstanding subsection (1), a company may, if authorized by by-law duly passed by the directors and confirmed by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law, provide that the capital stock may be divided into shares of one dollar, or any multiple thereof not exceeding one hundred dollars, each."

Shares.

38. The said Act is further amended by adding thereto, immediately after section 51 thereof, the following sections:

- "**51A.** (1) In this section and sections 51B to 51E,
- (a) "corporation" includes an association, partnership or other organization;
 - (b) "non-resident" means
 - (i) an individual who is not ordinarily resident in Canada,
 - (ii) a corporation incorporated, formed or otherwise organized, elsewhere than in Canada,
 - (iii) a corporation that is controlled directly or indirectly by non-residents as defined in subparagraph (i) or (ii),

Definitions.

"Corporation."

"Non-resident."

(iv) a trust established by a non-resident as defined in subparagraph (i), (ii) or (iii), or a trust in which non-residents as so defined have more than fifty per cent of the beneficial interest, or

(v) a corporation that is controlled directly or indirectly by a trust mentioned in subparagraph (iv); and

"Resident."

(c) "resident" means an individual, corporation or trust that is not a non-resident.

Associated shareholder.

(2) For the purposes of sections 51B to 51E, a shareholder is deemed to be associated with another shareholder if

(a) one shareholder is a corporation of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

(c) one shareholder is a corporation that is controlled directly or indirectly by the other shareholder;

(d) both shareholders are corporations and one shareholder is controlled directly or indirectly by the same individual or corporation that controls directly or indirectly the other shareholder;

(e) both shareholders are members of a voting trust where the trust relates to shares of the company; or

(f) both shareholders are associated within the meaning of paragraphs (a) to (e) with the same shareholder.

Shares held jointly.

(3) For the purposes of sections 51B to 51E, where a share of the capital stock of a company is held jointly and one or more of the joint holders thereof is a non-resident, the share is deemed to be held by a non-resident.

Limit on shares held by non-residents.

51B. (1) The directors of a company shall refuse to allow in the book or books referred to in section 50 the entry of a transfer of any share of the capital stock of the company to a non-resident

(a) if, when the total number of shares of the capital stock of the company held by non-residents exceeds twenty-five per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the number of such shares held by non-residents;

- (b) if, when the total number of shares of the capital stock of the company held by non-residents is twenty-five per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the total number of such shares of stock held by non-residents to exceed twenty-five per cent of the total number of issued and outstanding shares of such stock;
- (c) when the total number of shares of the capital stock of the company held by the non-resident and by other shareholders associated with him, if any, exceeds ten per cent of the total number of issued and outstanding shares of such stock; or
- (d) if, when the total number of shares of the capital stock of the company held by the non-resident and by other shareholders associated with him, if any, is ten per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the number of such shares of stock held by the non-resident and by other shareholders associated with him, if any, to exceed ten per cent of the issued and outstanding shares of such stock.

(2) The directors of a company shall not, after the day of commencement of the first general meeting of the shareholders of the company, allot, or allow the allotment of, any shares of the capital stock of the company to any non-resident in circumstances where, if the allotment to such non-resident were a transfer of those shares, the entry thereof in such book or books would be required, under subsection (1), to be refused by the directors.

Allotment
to non-
resident.

(3) Default in complying with the provisions of this section does not affect the validity of a transfer or allotment of a share of the capital stock of the company that has been entered in the book or books referred to in section 50, but every director who knowingly authorizes or permits such default is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Penalty.

51c. (1) Where a resident holds shares of the capital stock of a company in the right of, or for the use or benefit of, a non-resident, the resident shall not,

Voting rights
of nominees
suspended.

either in person or by proxy, exercise the voting rights pertaining to those shares.

Voting
rights of non-
residents.

(2) Subject to subsection (3) of section 51E, where any shares of the capital stock of a company are held in the name or right of or for the use or benefit of a non-resident, no person shall, either as proxy or in person, exercise the voting rights pertaining to such shares held by the non-resident or in his right or for his use or benefit, if the total of such shares so held, together with such shares held in the name or right of or for the use or benefit of

(a) any shareholders associated with the non-resident, or

(b) any persons who would, under subsection (2) of section 51A, be deemed to be shareholders associated with the non-resident were such persons and the non-resident themselves shareholders,

exceed in number ten per cent of the issued and outstanding shares of such stock.

Penalty.

(3) Every person who knowingly contravenes a provision of this section is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Effect of
contraven-
tion.

(4) If any provision of this section is contravened at a general meeting of the company, no proceeding, matter or thing at that meeting is void by reason only of such contravention, but any such proceeding, matter or thing is, at any time within one year from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the shareholders by a resolution passed at a special general meeting of the company.

By-laws.

51D. (1) The directors of a company may make such by-laws as they deem necessary to carry out the intent of sections 51A to 51E and in particular, but without restricting the generality of the foregoing, the directors may make by-laws

(a) requiring any person holding any share of the capital stock of the company to submit declarations

(i) with respect to the ownership of such share,

(ii) with respect to the place in which the shareholder and any person for whose use or benefit the share is held are ordinarily resident,

- (iii) whether the shareholder is associated with any other shareholder, and
- (iv) with respect to such other matters as the directors may deem relevant for the purposes of sections 51A to 51E;
- (b) prescribing the times at which and the manner in which any declarations required under paragraph (a) are to be submitted; and
- (c) requiring any person desiring to have a transfer of a share to him entered in the book or books referred to in section 50 to submit such a declaration as may be required pursuant to this section in the case of a shareholder.

(2) Where pursuant to any by-law made under subsection (1) any declaration is required to be submitted by any shareholder or person in respect of the transfer of any share, the directors may refuse to enter such transfer in the book or books referred to in section 50 until the required declaration has been completed and submitted

Where
declaration
pending.

51E. (1) In this section,

(a) "associates of the non-resident" means, with reference to any particular day,

(i) any shareholders associated with the non-resident on that day, and

(ii) any persons who would, under subsection (2) of section 51A, be deemed to be shareholders associated with the non-resident on that day were such persons and the non-resident themselves shareholders;

(b) "prescribed day" means the 23rd day of September, 1964; and

(c) "shares held by or for the non-resident and associates" means, with reference to any particular day, the aggregate number of shares held on that day in the name or right of or for the use or benefit of the non-resident and associates of the non-resident on that day.

Definitions.

"Associates
of the non-
resident."

"Prescribed
day."

"Shares held
by or for
the non-
resident
and
associates."

(2) Where more than fifty per cent of the issued and outstanding shares of the capital stock of a company are held in the name or right of or for the use or benefit of one non-resident

Exception for
non-resident
ownership of
company.

(a) at the commencement of the prescribed day, in the case of a company incorporated before that day, or

(b) on the day of commencement of the first general meeting of the shareholders of the

company, in the case of a company incorporated on or after the prescribed day, sections 51B to 51D do not apply to or in respect of that company; but if at any time thereafter there is no one non-resident in whose name or right or for whose use or benefit more than fifty per cent of the issued and outstanding shares of the capital stock of the company are held, those sections apply from and after that time to and in respect of that company.

Exception for individual non-resident.

(3) Where at the commencement of the prescribed day the number of shares of the capital stock of a company held in the name or right of or for the use or benefit of a non-resident together with the number of such shares, if any, held at the commencement of that day in the name or right of or for the use or benefit of any associates of the non-resident exceed ten per cent of the number of shares of such stock at that time issued and outstanding, the voting rights pertaining to the shares held in the name or right of or for the use or benefit of the non-resident may notwithstanding subsection (2) of section 51C be exercised, in person or by proxy, so long as the percentage of such shares held by or for the non-resident and associates does not exceed either the percentage of such shares held by or for the non-resident and associates at the commencement of the prescribed day or the smallest percentage of such shares held by or for the non-resident and associates on any subsequent day; but this subsection shall not be construed to prohibit the exercise of voting rights in circumstances where section 51C does not apply.

Change of status of corporate resident.

(4) Where after the coming into force of this section a corporation that was at any time a resident becomes a non-resident, any shares of the capital stock of the company acquired by the corporation while it was a resident and held by it while it is a non-resident shall be deemed, for the purposes of sections 51B and 51C, to be shares held by a resident for the use or benefit of a non-resident.

Stock splits.

(5) Where on or after the prescribed day the par value of shares of the capital stock of the company is reduced, the directors of the company may, notwithstanding subsection (2) of section 51B, allot shares of the capital stock of the company of the reduced par value to a non-resident who is a shareholder in exchange for shares of such stock of the unreduced par value but not so as thereby to effect an increase in the aggregate par value of the shares of such stock held by the non-resident.

(6) The directors of a company may, notwithstanding section 51B, allow in the book or books referred to in section 50 the entry of a transfer of any share of the capital stock of the company from a resident to a non-resident where it is shown to the directors on evidence satisfactory to them that the share was at the commencement of the prescribed day held by the resident in the right of or for the use or benefit of the non-resident.

Transferring
beneficial
holding.

(7) If at any time on or after the prescribed day and before the coming into force of section 51B the directors of a company allow, in the book or books referred to in section 50, the entry of any transfer or allotment of any share of the capital stock of the company to a non-resident that they would have been required to refuse or prevent under section 51B had that section come into force on the prescribed day, no person shall, as proxy or in person, exercise the voting rights pertaining to such share so long as the share is held in the name or right of or for the use or benefit of any non-resident.

Entry after
prescribed
day.

(8) Subsections (3) and (4) of section 51c apply to the contravention of any provision of subsection (7) of this section.

Application
of subsections
(3) and (4) of
section 51c.

(9) In determining for the purposes of sections 51A to 51E whether a person is a resident or non-resident, by whom a corporation is controlled, or any other circumstances relevant to the performance of their duties under those sections, the directors of the company may rely upon any statements made in any declarations submitted under section 51D or rely upon their own knowledge of the circumstances; and the directors are not liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge."

Conclusions
reached by
directors.

39. Subsection (3) of section 59 of the said Act is repealed and the following substituted therefor:

"(3) The report in each case shall state whether the auditors have obtained all the information and explanations they have required and shall state in addition,

Contents
of report.

(a) in the report to the shareholders, whether in the opinion of the auditors the statement exhibits a true and correct view of the state of the company's affairs as at the date of the statement and of the results of the operations

of the company during the year that ended on that date according to the best of their information and the explanations given to them and as shown by the books of the company; and

- (b) in the report to the Superintendent, whether in the opinion of the auditors the statement exhibits a true and correct view of the assets and liabilities of the company as at the date of the statement, the income and expenditure of the company during the year that ended on that date and the results of the operations of the company for that year according to the best of their information and the explanations given to them and as shown by the books of the company."

1960-61, c. 51,
s. 2(1).

40. (1) Paragraphs (e) and (f) of subsection (1) of section 60 of the said Act are repealed and the following substituted therefor:

Common
shares.

- "(e) the fully paid common shares of any such company or of any chartered bank in Canada that during a period of five years that ended less than one year before the date of investment has either

(i) paid a dividend in each such year upon its common shares, or

(ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least four per cent of the average value at which the shares were carried in the capital stock account of such company or chartered bank during the year in which the dividend was paid or in which the company or chartered bank had earnings available for the payment of dividends, as the case may be, but not more than thirty per cent of the common shares and not more than thirty per cent of the total issue of the shares of any company or bank shall be purchased by the company;

Mortgages on
real estate.

- (f) mortgages or hypothecs on real estate or leaseholds in Canada or in any country in which the company is carrying on business, but the amount paid for the mortgage or hypothec, together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking equally

with or superior to the mortgage or hypothec in which the investment is made, shall not exceed three-quarters of the value of the real estate or leasehold; or”

(2) Paragraph (c) of subsection (2) of section 60 of the said Act is repealed and the following substituted therefor: 1960-61, c. 51.
s. 2(4).

“(c) real estate or leaseholds in Canada or in any country in which the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking equally with or superior to the loan shall not exceed three-quarters of the value of the real estate or leasehold, subject to the exception that the company may accept as part payment for real estate sold by it a mortgage or hypothec for more than three-quarters of the sale price of the real estate.” Real estate
and
leaseholds.

(3) Subsection (3) of section 60 of the said Act is repealed and the following substituted therefor:

“(3) The total book value of the investments of the company in common shares of capital stock shall not exceed twenty-five per cent of the book value of the company’s total funds, but this subsection applies only to a company that receives money on deposit or borrows money by the issue of its bonds, debentures or other securities.” Limit on
investment in
common
shares.

41. The said Act is further amended by adding thereto, immediately after section 61 thereof, the following section:

“**61A.** (1) Notwithstanding anything in section 60 but subject to subsection (2) of this section and to such terms and conditions as may be prescribed by the Treasury Board upon the report of the Superintendent, a loan company may invest its funds in the fully paid shares of a trust company to which the *Trust Companies Act* applies. Investment
in trust
company.

(2) No investment shall be made by a loan company under subsection (1) if, after the making of such investment, the aggregate cost to the loan company of the investments made under subsection (1) and the investments made under section 60 in shares of such Limitation.

trust companies then held by the loan company would exceed the aggregate of the loan company's then paid-up capital and reserve."

1953, c. 35,
s. 10.

42. Section 68 of the said Act is repealed and the following substituted therefor:

Limitation
of borrowing
powers.

"**68.** (1) The aggregate of the sums of money borrowed by the company shall not at any time, except as authorized by subsection (2), exceed four times the excess of the assets of the company over its liabilities.

By-law to
increase
limit of
amount.

(2) The company may, by by-law passed by the directors and approved by at least a three-fourths vote of the shareholders present or represented by proxy at an annual or other general meeting of the company duly called for the purpose of considering the by-law, increase the limit of the amount that may be borrowed by the company as set forth in subsection (1) to such amount as the said by-law may provide, subject to the following conditions:

(a) the power conferred by the said by-law shall not be exercised by the company unless the by-law is approved by the Treasury Board on the recommendation of the Superintendent; and

(b) the said by-law shall not increase the limit of the amount of money that may be borrowed by the company beyond, in the aggregate, fifteen times the excess of the assets of the company over its liabilities.

Additional
limitation.

(3) Where a loan company owns more than ten per cent of the shares of the capital stock of a trust company or where more than ten per cent of the shares of the capital stock of a loan company are owned by a trust company to which the *Trust Companies Act* applies, the loan company shall not borrow any money when the aggregate of the money borrowed by the loan company, the money borrowed by the trust company and the money accepted by the trust company in trust for investment the repayment of which is guaranteed by the trust company, exceeds, or when the borrowing would cause that aggregate to exceed, the amount that the loan company would be permitted to borrow pursuant to subsection (1) or (2) if

(a) the assets of the loan company were equal to the aggregate of the assets of the loan company (excluding therefrom shares of the capital stock of the trust company) and the

assets of the trust company (excluding therefrom shares of the capital stock of the loan company); and

- (b) the liabilities of the loan company were equal to the aggregate of the liabilities of the loan company and the liabilities of the trust company."

43. Subsections (2) and (3) of section 76 of the said Act are repealed and the following substituted therefor:

"(2) No parcel of land or interest therein at any time acquired by the company and not

Limitation
on holding
of land.

(a) required for its actual use and occupation,

(b) held by way of security, or

(c) acquired and held as an investment pursuant to section 60,

shall be held by the company or by any trustee on its behalf for a longer period than seven years after the acquisition thereof, but shall be sold so that the company no longer retains an interest therein unless by way of security.

(3) Any parcel of land or interest therein at any time acquired by the company and not

Forfeiture
to the Crown.

(a) required for its actual use and occupation,

(b) held by way of security, or

(c) acquired and held as an investment pursuant to section 60,

that has been held by the company for a longer period than seven years without being disposed of shall be forfeited to Her Majesty for the use of Canada."

44. Sections 31 and 39 shall come into force on the 1st day of January, 1966.

Commence-
ment of ss. 31
and 39.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13 - 14 ELIZABETH II.

CHAP. 41

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1964 to the 30th day of June, 1965, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Canadian National Railways Financing and Guarantee Act, 1964*. Short title.

INTERPRETATION.

- 2.** In this Act,
- | | |
|---|---|
| <p>(a) "National Company" means the Canadian National Railway Company;</p> <p>(b) "National System" means the National Railways as defined in the <i>Canadian National Railways Act</i> and any companies controlled by the National Company through stock ownership; and</p> <p>(c) "securities" means the notes, equipment trust certificates, bonds, debentures and other securities described in subsection (1) of section 4.</p> | <p>Definitions.</p> <p>"National Company."</p> <p>"National System."</p> <p>"Securities."</p> |
|---|---|

CAPITAL EXPENSE.

- 3.** (1) The National System is authorized,
- | | |
|-----|---|
| 407 | (a) Capital expenditures authorized for 1964. |
|-----|---|

- (a) to make capital expenditures, not exceeding in the aggregate \$155,000,000 in the calendar year 1964, in the following estimated amounts for the purpose of capital investment:

Estimated Requirements.

| | |
|------------------------------------|---------------|
| Road property | \$ 77,821,000 |
| Branch lines | 500,000 |
| Equipment | 55,200,000 |
| Telecommunications | 16,884,000 |
| Hotels | 3,595,000 |
| Investment in affiliated companies | 1,000,000 |

- (b) to make capital expenditures not exceeding in the aggregate \$72,000,000 in the calendar year 1965 prior to the 1st day of July of that year, by investing in securities of Trans-Canada Air Lines to enable Trans-Canada Air Lines to discharge obligations that were incurred prior to that year and have become due and payable before that day, and to discharge obligations that were incurred by the National Company prior to that year and have become due and payable before that day; and
- (c) to enter into contracts prior to the 1st day of July, 1965, for the acquisition of new equipment and for general additions and conversions that will come in course of payment after the calendar year 1964, in amounts not exceeding in the aggregate \$36,000,000.

(2) The National Company, with the approval of the Governor in Council, is authorized

- (a) at any time prior to the 1st day of July, 1965, to borrow money by the issue and sale of securities or by way of loan from the Minister of Finance to provide the amounts required by Trans-Canada Air Lines for the purposes mentioned in paragraph (b) of subsection (1); and
- (b) by the issue and sale of securities, to borrow money to repay loans made under section 6.

(3) A statement of the amounts borrowed by the National Company pursuant to this section shall be included in the annual report of the National Company.

(4) An estimate of the amounts required for the purposes of paragraph (b) of subsection (1) shall be included in the annual budget of the National System for the calendar year 1965.

Power to
borrow
money.

Statement
of amounts
borrowed.

Estimate
of amounts
required.

(5) Any amount payable under a contract entered into pursuant to paragraph (c) of subsection (1) shall be included in the annual budget of the National System for the year in which it will become due and payable.

Amount payable included in budget.

(6) No amounts shall be spent for a purpose mentioned in this section in excess of the aggregate amount authorized by this section in respect of that purpose, and for the purposes of this subsection any expenditure made under paragraph (b) of subsection (1) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1962-63* shall be deemed to be an expenditure under paragraph (a) of subsection (1) of this section.

Limitations.

4. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the National Company may issue notes, equipment trust certificates, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required by Trans-Canada Air Lines for the purposes mentioned in section 3.

Issue of securities.

(2) Amounts provided for depreciation and debt discount amortization shall be applied towards meeting the expenditures authorized by section 3, other than those required by Trans-Canada Air Lines.

Application of amounts available.

(3) The aggregate principal amount of securities issued under this section outstanding at any one time shall not exceed \$5,000,000 and for the purposes of this subsection any securities issued under the *Canadian National Railways Financing and Guarantee Act, 1962-1963*, in respect of the amounts required for capital expenditures under paragraph (b) of subsection (1) of section 3 of that Act, shall be deemed to have been issued under this section.

Maximum amount of securities.

GUARANTEES.

5. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities mentioned in section 4 and may approve or decide the form, manner and conditions of such guarantees.

Guarantee.

(2) A guarantee under this Act may be signed on behalf of Her Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes that the guarantee is valid and that the relative provisions of the Act have been complied with.

Signature of guarantee.

LOANS.

Minister may
make loans
to National
Company.

6. (1) The Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, make loans to the National Company out of the Consolidated Revenue Fund of amounts required by Trans-Canada Air Lines for the purposes mentioned in section 3 at such rates of interest and subject to such other terms and conditions as the Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act.

Maximum.

(2) The aggregate principal amount of loans made pursuant to subsection (1) shall not exceed \$5,000,000.

Securities
for payment.

(3) Securities issued to secure a loan made by the Minister of Finance under this section are deemed not to be included in the amount specified in subsection (3) of section 4 if securities have been issued and sold to repay that loan.

GENERAL.

Power to
aid other
companies.

7. The National Company may aid and assist, in any manner not inconsistent with section 3, any others of the companies and railways comprised in the National System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways

(a) apply the proceeds of any issue of securities towards meeting expenditures authorized by section 3 on its own account or on account of any others of the said companies and railways; and

(b) make advances of amounts required for meeting expenditures authorized by section 3 to any others of the said companies and railways upon or without any security, at discretion.

Proceeds
paid to
credit of
Minister of
Finance
in trust.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall, in the first instance, be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon application to the Minister of Finance by the National Company approved by the Minister of Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of

Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such application.

9. (1) Where, at any time before the 1st day of July, 1965 the available revenues of the National System are not sufficient to pay all the operating and income charges of the National System as and when due, the Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of the National Company such amounts as may be required to enable the National Company to meet all such charges.

Minister may place amounts at disposal of Company.

(2) All amounts placed at the disposal of the National Company pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of the National System in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Reimbursement from annual revenues.

10. (1) Where, at any time before the 1st day of July, 1965 the available revenues of Trans-Canada Air Lines are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance, upon application by Trans-Canada Air Lines approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of Trans-Canada Air Lines such amounts as may be required to enable Trans-Canada Air Lines to meet all such charges.

Trans-Canada Air Lines.

(2) All amounts placed at the disposal of Trans-Canada Air Lines pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of Trans-Canada Air Lines in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Reimbursement from annual revenues.

11. Notwithstanding anything in section 4 of the *Canadian National Railways Capital Revision Act* or in any instrument in writing delivered by the National Company pursuant thereto, interest shall not be payable by the National Company on the sum of one hundred million dollars mentioned therein in respect of the further period of one year commencing on the 1st day of January, 1965.

Extension of period in respect of which no interest payable.

12. Notwithstanding anything in the *Canadian National Railways Capital Revision Act* or in any other Act, subsection (1) of section 6 of the *Canadian National Railways Capital Revision Act* applies in respect of the fiscal year of the National Company commencing in 1965.

Continuing application of R.S., c. 311, s. 6(1) for additional period.

Issue of
substituted
certificates.

13. Notwithstanding section 13 of the *Canadian National Railways Financing and Guarantee Act, 1961*, section 3 of the *Canadian National Railways Refunding Act, 1955* shall be read and construed as if for the reference to the amount of two hundred million dollars therein there were substituted a reference to the amount of six hundred and eighty million dollars.

Auditors.

14. The firm of Touche, Ross, Bailey and Smart, of the Cities of Toronto and Montreal, Chartered Accountants, is appointed as independent auditors to make a continuous audit of the accounts for the year 1965 of National Railways as defined in the *Canadian National Railways Act*.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 42

An Act to amend the Coal Production Assistance Act.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 173;
1953, c. 36;
1959, c. 39;
1960-61, c. 20;
1962-63, c. 13.

1. Section 7 of the *Coal Production Assistance Act* is repealed and the following substituted therefor:

1959, c. 39,
s. 5.

“7. No agreement shall be made under section 3 after the 31st day of October, 1969.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 43

An Act to amend the Corporations and Labour Unions Returns Act.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1962, c. 26.

1. (1) Subsection (1) of section 5 of the *Corporations and Labour Unions Returns Act* is repealed and the following substituted therefor:

“**5.** (1) In the statement in duplicate comprised in Section A of a return required by this Part to be filed with the Dominion Statistician, the particulars described in subparagraphs (iv) to (xi) (other than subparagraphs (v) and (ix)) of paragraph (a) of section 4 shall be specified therein as of the last day of the reporting period for which the return is filed, and the particulars described in subparagraph (v) of paragraph (a) of section 4 shall be specified therein as of the last day of that reporting period or as of any earlier day specified by the corporation that is not more than three months before the last day of that period, except that where a corporation has filed a return for a reporting period specifying the particulars described in any such subparagraph as of any such day, the corporation is not bound, in filing a return under this Part for a subsequent reporting period, to specify the same particulars in the absence of any change therein as of the last day of that subsequent period.”

Relieving
provision.

(2) Subsections (2) and (3) of section 5 of the said Act are repealed and the following substituted therefor:

Statements to
be signed
on behalf of
corporation.

“(2) Each statement in duplicate and other statement comprised in a return required by this Part to be filed with the Dominion Statistician shall be signed on behalf of the corporation by the president, secretary or treasurer thereof or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation.”

2. The said Act is further amended by adding thereto, immediately after section 5 thereof, the following section:

Where return
filed with
Minister of
National
Revenue.

“**5A.** Notwithstanding anything in this Part, where, for any reporting period of a corporation to which this Part applies, the corporation has filed with the Minister of National Revenue a return of its income in such form and containing such information as is prescribed by or under the *Income Tax Act*,

- (a) the corporation is not bound, in filing a return under this Part for that period, to include in the statements comprised in Section B of such return a financial statement for that period as described in subparagraph (i) of paragraph (b) of section 4; and
- (b) if the corporation has filed with the Minister of National Revenue, with the return of its income for that period, the return required by this Part to be filed by it for that period, it shall, for all purposes of this Act, be deemed to have filed with the Dominion Statistician the return required by this Part to be filed by it for that period.”

3. Subsection (5) of section 14 of the said Act is repealed.

4. The said Act is further amended by adding thereto, immediately after section 14 thereof, the following section:

Return, etc.
filed or made
by corpora-
tion to be
made
available to
Dominion
Statistician.

“**14A.** The Dominion Statistician or any official described in subsection (4) of section 14 thereunto authorized by him is entitled to inspect and have access to any return, certificate, statement or other document filed or made by or on behalf of any corporation pursuant to the *Income Tax Act* or any regulation thereunder, and the Minister of National Revenue shall cause to be made available to the Dominion Statistician or any such official thereunto authorized

by him upon request at any reasonable time any such return, certificate, statement or other document, in addition to any return filed with the Minister of National Revenue by any corporation pursuant to any regulation under this Act."

5. Section 17 of the said Act is repealed and the following substituted therefor:

"**17.** The Governor in Council may make regula- **Regulations.**
tions

- (a) respecting the manner in which any return required by Part I to be filed by a corporation shall be filed by such corporation; and
- (b) generally, for carrying into effect the purposes and provisions of this Act."

6. Subsection (1) of section 1 and section 4 are applicable in respect of any return, certificate, statement or other document filed or made before or after the coming into force of this Act, and subsection (2) of section 1 and sections 2 and 5 are applicable in respect of any return filed after the coming into force of this Act.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 44

An Act respecting the Geneva Conventions, 1949.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

- 1.** This Act may be cited as the *Geneva Conventions Act*. Short title.

CONVENTIONS APPROVED.

- 2.** The Geneva Conventions for the Protection of War Victims, signed at Geneva on the 12th day of August, 1949 and set out in Schedules I to IV, are approved. Geneva Conventions of 1949 approved.

PART I.

GRAVE BREACHES OF THE CONVENTIONS.

- 3.** (1) Any grave breach of any of the Geneva Conventions of 1949, as therein defined, that would, if committed in Canada, be an offence under any provision of the *Criminal Code* or other Act of the Parliament of Canada, is an offence under such provision of the *Criminal Code* or other Act if committed outside Canada. Grave breaches of Geneva Conventions of 1949.

(2) Where a person has committed an act or omission that is an offence by virtue of this section, the offence is within the competence of and may be tried and punished by the court having jurisdiction in respect of similar offences in the place in Canada where that person is found in the same manner as if the offence had been committed in that place, or by any other court to which jurisdiction has been lawfully transferred. Jurisdiction.

Consent.

(3) No proceedings in respect of an act or omission that is an offence by virtue of this section shall be instituted without the consent in writing of the Attorney General of Canada.

PART II.

LEGAL PROCEEDINGS IN RESPECT OF PROTECTED PERSONS.

Definitions.
"Court."

4. In this Part,

(a) "court" includes a General Court Martial, a Disciplinary Court Martial and a Standing Court Martial convened or established pursuant to the *National Defence Act*;

"Offence."

(b) "offence" means any act or omission that is an offence under the *Criminal Code* or any other Act of the Parliament of Canada or that is, by virtue of section 3, an offence under any such Act;

"Prisoners'
representa-
tive."

(c) "prisoners' representative" in relation to a protected prisoner of war means the person elected or recognized as that prisoner's representative pursuant to Article 79 of the Geneva Convention set out in Schedule III;

"Protected
internee."

(d) "protected internee" means a person interned in Canada who is protected by the Geneva Convention set out in Schedule IV;

"Protecting
power."

(e) "protecting power" means
(i) in relation to a protected prisoner of war, the country or organization that is carrying out, in the interests of the country of which that prisoner is a national or of whose forces he is or was a member at the time of his being taken prisoner of war, the duties assigned to protecting powers under the Geneva Convention set out in Schedule III, and

(ii) in relation to a protected internee, the country or organization that is carrying out, in the interests of the country of which that internee is or was a national at the time of his internment, the duties assigned to protecting powers under the Geneva Convention set out in Schedule IV; and

"Protected
prisoner
of war."

(f) "protected prisoner of war" means a prisoner of war who is protected by the Geneva Convention set out in Schedule III.

5. (1) The court before which

- (a) a protected prisoner of war is brought for trial for an offence, or
- (b) a protected internee is brought for trial for an offence for which that court has power to sentence him to death or to imprisonment for a term of two years or more,

Notice of trial of protected persons to be served on protecting power.

shall not proceed with the trial until it is proved to the satisfaction of the court that written notice of the trial containing, where known to the prosecutor, the information mentioned in subsection (2) has been given to the accused and his protecting power, not less than three weeks before the commencement of the trial, and where the accused is a protected prisoner of war, to his prisoners' representative.

(2) The notice referred to in subsection (1) shall state

Contents of notice

- (a) the full name of the accused and a description of him, including the date of his birth, his profession or trade and, if the accused is a protected prisoner of war, his rank and army, regimental, personal or serial number;
- (b) the accused's place of detention, internment or residence;
- (c) the offence with which the accused is charged; and
- (d) the court before which the trial of the accused is to take place and the time and place appointed for the trial.

6. (1) Where a protected prisoner of war or a protected internee has been sentenced by a court to death or to imprisonment for a term of two years or more, the time allowed for an appeal against the conviction or sentence or against the decision of a court of appeal not to allow, dismiss or quash the conviction or sentence shall run from the day on which the protecting power has been notified of the conviction and sentence by

Time for appeal from sentence of death or imprisonment for more than two years.

- (a) an officer of the Canadian Forces, in the case of a protected prisoner of war; or
- (b) the Secretary of State for External Affairs, in the case of a protected internee.

(2) Notwithstanding anything in this or any other Act, where a protected prisoner of war or a protected internee has been sentenced to death by a court, the sentence shall not be executed before the expiration of six months from the date on which the protecting power is given notice in writing thereof by the appropriate person referred to in paragraph (a) or (b) of subsection (1), which notice shall contain

Sentence of death not to be executed before notice given protecting power.

- (a) a precise wording of the finding and sentence;
- (b) a summary of any preliminary investigation and of the trial and, in particular, of the elements of the prosecution and defence; and
- (c) a copy of any order denying pardon or reprieve to that person.

Prisoner
of war
subject to
Code of
Service
Discipline.

7. (1) Every prisoner of war is subject to the Code of Service Discipline as defined in the *National Defence Act* and every prisoner of war who is alleged to have done or omitted to do anything that is, by virtue of section 3, an offence under the *Criminal Code* or any other Act of the Parliament of Canada shall be deemed to have been subject to the Code of Service Discipline at the time the offence was alleged to have been committed.

Dealt with
by Service
having
custody.

(2) A prisoner of war described in subsection (1) may be charged and tried within the Service of the Canadian Forces in which he is held in custody and, for the purposes of the Code of Service Discipline, he shall be deemed to be under the command of the commanding officer of such unit or other element of the Service as may be holding him in custody.

Regulations
respecting
prisoners
of war.

8. Subject to this Act, the Minister of National Defence may make such regulations as he deems necessary respecting prisoners of war held by Canadian Forces, including regulations to carry out and give effect to the provisions of the Geneva Convention set out in Schedule III respecting protected prisoners of war.

PART III.

GENERAL.

Certificate
of Secretary
of State.

9. A certificate of the Secretary of State for External Affairs stating that on the date or dates specified therein a state of war or armed conflict existed between the states named therein shall be received in evidence in a prosecution for an act or omission that is an offence under the *Criminal Code* or any other Act of the Parliament of Canada, or that is, by virtue of section 3, an offence under any such Act, and shall be conclusive proof of the statements contained therein.

SCHEDULE I.

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF
THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD OF
AUGUST 12, 1949.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field of July 27, 1929, have agreed as follows:

CHAPTER I.

GENERAL PROVISIONS.

ARTICLE 1.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2.

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4.

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict, received or interned in their territory, as well as to dead persons found.

ARTICLE 5.

For the protected persons who have fallen into the hands of the enemy, the present Convention shall apply until their final repatriation.

ARTICLE 6.

In addition to the agreements expressly provided for in Articles 10, 15, 23, 28, 31, 36, 37 and 52, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of the wounded and sick, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 7.

Wounded and sick, as well members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 8.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible, the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

ARTICLE 9.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief.

ARTICLE 10.

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When wounded and sick, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

ARTICLE 11.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded and sick, members of medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

CHAPTER II.

WOUNDED AND SICK.

ARTICLE 12.

Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

The Party to the conflict which is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a part of its medical personnel and material to assist in their care.

ARTICLE 13.

The present Convention shall apply to the wounded and sick belonging to the following categories:

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
 - (a) that of being commanded by a person responsible for his subordinates;
 - (b) that of having a fixed distinctive sign recognizable at a distance;
 - (c) that of carrying arms openly;
 - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.
- (4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.
- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions in international law.

- (6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

ARTICLE 14.

Subject to the provisions of Article 12, the wounded and sick of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them.

ARTICLE 15.

At all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield.

Likewise, local arrangements may be concluded between Parties to the conflict for the removal or exchange of wounded and sick from a besieged or encircled area, and for the passage of medical and religious personnel and equipment on their way to that area.

ARTICLE 16.

Parties to the conflict shall record as soon as possible, in respect of each wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification.

These records should if possible include:

- (a) designation of the Power on which he depends;
- (b) army, regimental, personal or serial number;
- (c) surname;
- (d) first name or names;
- (e) date of birth;
- (f) any other particulars shown on his identity card or disc;
- (g) date and place of capture or death;
- (h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated

lists of the dead. They shall likewise collect and forward through the same bureau one half of a double identity disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

ARTICLE 17.

Parties to the conflict shall ensure that burial or cremation of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. One half of the double identity disc, or the identity disc itself if it is a single disc, should remain on the body.

Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose, they shall organize at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the site of the graves, and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, lists showing the exact location and markings of the graves, together with particulars of the dead interred therein.

ARTICLE 18.

The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal the necessary protection and facilities. Should the adverse Party take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.

The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality. The civilian

population shall respect these wounded and sick, and in particular abstain from offering them violence.

No one may ever be molested or convicted for having nursed the wounded or sick.

The provisions of the present Article do not relieve the occupying Power of its obligation to give both physical and moral care to the wounded and sick.

CHAPTER III.

MEDICAL UNITS AND ESTABLISHMENTS.

ARTICLE 19.

Fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict. Should they fall into the hands of the adverse Party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

The responsible authorities shall ensure that the said medical establishments and units are, as far as possible, situated in such a manner that attacks against military objectives cannot imperil their safety.

ARTICLE 20.

Hospital ships entitled to the protection of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, shall not be attacked from the land.

ARTICLE 21.

The protection to which fixed establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after a due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

ARTICLE 22.

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:

- (1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.

- (2) that in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.
- (3) that small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.
- (4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.
- (5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

ARTICLE 23.

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities.

CHAPTER IV.

PERSONNEL.

ARTICLE 24.

Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances.

ARTICLE 25.

Members of the armed forces specially trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary stretcher-bearers, in the search for or the collection, transport or treatment of the wounded and sick shall likewise be respected and protected if

they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands.

ARTICLE 26.

The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

Each High Contracting Party shall notify to the other, either in time of peace, or at the commencement of or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.

ARTICLE 27.

A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a Party to the conflict with the previous consent of its own Government and the authorization of the Party to the conflict concerned. That personnel and those units shall be placed under the control of that Party to the conflict.

The neutral Government shall notify this consent to the adversary of the State which accepts such assistance. The Party to the conflict who accepts such assistance is bound to notify the adverse Party thereof before making any use of it.

In no circumstances shall this assistance be considered as interference in the conflict.

The members of the personnel named in the first paragraph shall be duly furnished with the identity cards provided for in Article 40 before leaving the neutral country to which they belong.

ARTICLE 28.

Personnel designated in Articles 24 and 26 who fall into the hands of the adverse Party, shall be retained only in so far as the state of health, the spiritual needs and the number of prisoners of war require.

Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. Within the framework of the military laws and regulations of the Detaining Power, and under the authority of its competent service, they shall continue to carry out, in accordance with their professional ethics, their medical and spiritual duties on behalf of prisoners of war, preferably those of the armed forces to which they themselves belong. They shall further enjoy the following facilities for carrying out their medical or spiritual duties:

- (a) They shall be authorized to visit periodically the prisoners of war in labour units or hospitals outside the camp. The Detaining Power shall put at their disposal the means of transport required.
- (b) In each camp the senior medical officer of the highest rank shall be responsible to the military authorities of the camp for the professional activity of the retained medical personnel. For this purpose, from the outbreak of hostilities, the Parties to the conflict shall agree regarding the corresponding seniority of the ranks of their medical personnel, including those of the societies designated in Article 26. In all questions arising out of their duties, this medical officer, and the chaplains, shall have direct access to the military and medical authorities of the camp who shall grant them the facilities they may require for correspondence relating to these questions.
- (c) Although retained personnel in a camp shall be subject to its internal discipline, they shall not, however, be required to perform any work outside their medical or religious duties.

During hostilities the Parties to the conflict shall make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief.

None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon it with regard to the medical and spiritual welfare of the prisoners of war.

ARTICLE 29.

Members of the personnel designated in Article 25 who have fallen into the hands of the enemy, shall be prisoners of war, but shall be employed on their medical duties in so far as the need arises.

ARTICLE 30.

Personnel whose retention is not indispensable by virtue of the provisions of Article 28 shall be returned to the Party to the conflict to whom they belong, as soon as a road is open for their return and military requirements permit.

Pending their return, they shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. They shall continue to fulfil their duties under the orders of the adverse Party and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict to which they themselves belong.

On their departure, they shall take with them the effects, personal belongings, valuables and instruments belonging to them.

ARTICLE 31.

The selection of personnel for return under Article 30 shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

As from the outbreak of hostilities, Parties to the conflict may determine by special agreement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps.

ARTICLE 32.

Persons designated in Article 27 who have fallen into the hands of the adverse Party may not be detained.

Unless otherwise agreed, they shall have permission to return to their country, or if this is not possible, to the territory of the Party to the conflict in whose service they were, as soon as a route for their return is open and military considerations permit.

Pending their release, they shall continue their work under the direction of the adverse Party; they shall preferably be engaged in the care of the wounded and sick of the Party to the conflict in whose service they were.

On their departure, they shall take with them their effects, personal articles and valuables and the instruments, arms and if possible the means of transport belonging to them.

The Parties to the conflict shall secure to this personnel, while in their power, the same food, lodging, allowances and pay as are granted to the corresponding personnel of their armed forces. The food shall in any case be sufficient as regards quantity, quality and variety to keep the said personnel in a normal state of health.

CHAPTER V.

BUILDINGS AND MATERIAL.

ARTICLE 33.

The material of mobile medical units of the armed forces which fall into the hands of the enemy, shall be reserved for the care of wounded and sick.

The buildings, material and stores of fixed medical establishments of the armed forces shall remain subject to the laws of war, but may not be diverted from their purpose as long as they are required for the care of wounded and sick. Nevertheless, the commanders of forces in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are nursed in them.

The material and stores defined in the present Article shall not be intentionally destroyed.

ARTICLE 34.

The real and personal property of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The right of requisition recognized for belligerents by the laws and customs of war shall not be exercised except in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

CHAPTER VI.

MEDICAL TRANSPORTS.

ARTICLE 35.

Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

Should such transports or vehicles fall into the hands of the adverse Party, they shall be subject to the laws of war, on condition that the Party to the conflict who captures them shall in all cases ensure the care of the wounded and sick they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

ARTICLE 36.

Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment, shall not be attacked, but shall be respected by the belligerents, while flying at heights, times and on routes specifically agreed upon between the belligerents concerned.

They shall bear, clearly marked, the distinctive emblem prescribed in Article 38, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification that may be agreed upon between the belligerents upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

In the event of an involuntary landing in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Article 24 and the Articles following.

ARTICLE 37.

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land on it in case of necessity, or use it as a port of call. They shall give the neutral Powers previous notice of their passage over the said territory and obey all summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless agreed otherwise between the neutral Power and the Parties to the conflict, the wounded and sick who are disembarked, with the consent of the local authorities, on neutral territory by medical aircraft, shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VII.

THE DISTINCTIVE EMBLEM.

ARTICLE 38.

As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention.

ARTICLE 39.

Under the direction of the competent military authority, the emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

ARTICLE 40.

The personnel designated in Article 24 and in Articles 26 and 27 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 16, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his finger-prints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss, they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

ARTICLE 41.

The personnel designated in Article 25 shall wear, but only while carrying out medical duties, a white armlet bearing in its centre the distinctive sign in miniature; the armlet shall be issued and stamped by the military authority.

Military identity documents to be carried by this type of personnel shall specify what special training they have received, the temporary character of the duties they are engaged upon, and their authority for wearing the armlet.

ARTICLE 42.

The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and only with the consent of the military authorities.

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the Party to the conflict to which the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any flag other than that of the Convention.

Parties to the conflict shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems in-

dicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.

ARTICLE 43.

The medical units belonging to neutral countries, which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

Subject to orders to the contrary by the responsible military authorities, they may, on all occasions, fly their national flag, even if they fall into the hands of the adverse Party.

ARTICLE 44.

With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the Red Cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the Red Cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

CHAPTER VIII.

EXECUTION OF THE CONVENTION.

ARTICLE 45.

Each Party to the conflict, acting through its commanders-in-chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

ARTICLE 46.

Reprisals against the wounded, sick, personnel, buildings or equipment protected by the Convention are prohibited.

ARTICLE 47.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

ARTICLE 48.

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

CHAPTER IX.

REPRESSION OF ABUSES AND INFRACTIONS.

ARTICLE 49.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation,

hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ARTICLE 50.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

ARTICLE 51.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 52.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

ARTICLE 53.

The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross", or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.

By reason of the tribute paid to Switzerland by the adoption of the reversed Federal colours, and of the confusion which may arise between the arms of Switzerland and the distinctive emblem of the Convention, the use by private individuals, societies or firms, of the arms of the Swiss Confederation, or of marks constituting an imitation thereof, whether as trade-marks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment, shall be prohibited at all times.

Nevertheless, such High Contracting Parties as were not party to the Geneva Convention of July 27, 1929, may grant to prior users of the emblems, designations, signs or marks designated in the first paragraph, a time limit not to exceed three years from the coming into force of the present Convention to discontinue such use, provided that the said use shall not be such as would appear, in time of war, to confer the protection of the Convention.

The prohibition laid down in the first paragraph of the present Article shall also apply, without effect on any rights acquired through prior use, to the emblems and marks mentioned in the second paragraph of Article 38.

ARTICLE 54.

The High Contracting Parties shall, if their legislation is not already adequate, take measures necessary for the prevention and repression, at all times, of the abuses referred to under Article 53.

FINAL PROVISIONS.

ARTICLE 55.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ARTICLE 56.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

ARTICLE 57.

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 58.

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ARTICLE 59.

The present Convention replaces the Conventions of August 22, 1864, July 6, 1906, and July 27, 1929, in relations between the High Contracting Parties.

ARTICLE 60.

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

ARTICLE 61.

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 62.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 63.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until

peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 64.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

(Here follow the annexes and the signatures on behalf of the following countries: Afghanistan, People's Republic of Albania, Argentina, Australia, Austria, Belgium, Byelorussian Soviet Socialist Republic, Bolivia, Brazil, Bulgarian People's Republic, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Egypt, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Greece, Guatemala, Hungarian People's Republic, India, Iran, Republic of Ireland, Israel, Italy, Lebanon, Liechtenstein, Luxemburg, Mexico, Principality of Monaco, Nicaragua, Norway, New Zealand, Pakistan, Paraguay, Netherlands, Peru, Republic of the Philippines, Poland, Portugal, Rumanian People's Republic, United Kingdom of Great Britain and Northern Ireland, Holy See, El Salvador, Sweden, Switzerland, Syria, Czechoslovakia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Federal People's Republic of Yugoslavia.)

SCHEDULE II.

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA OF AUGUST 12, 1949.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Xth Hague Convention of October 18, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906, have agreed as follows:

CHAPTER I.

GENERAL PROVISIONS.

ARTICLE 1.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2.

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

- (2) The wounded, sick and shipwrecked shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4.

In case of hostilities between land and naval forces of Parties to the conflict, the provisions of the present Convention shall apply only to forces on board ship.

Forces put ashore shall immediately become subject to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

ARTICLE 5.

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded, sick and shipwrecked, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict received or interned in their territory, as well as to dead persons found.

ARTICLE 6.

In addition to the agreements expressly provided for in Articles 10, 18, 31, 38, 39, 40, 43 and 53, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of wounded, sick and shipwrecked

persons, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded, sick and shipwrecked persons, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 7.

Wounded, sick and shipwrecked persons, as well as members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 8.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

ARTICLE 9.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded, sick and shipwrecked persons, medical personnel and chaplains, and for their relief.

ARTICLE 10.

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy

the duties incumbent on the Protecting Powers by virtue of the present Convention.

When wounded, sick and shipwrecked, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

ARTICLE 11.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded, sick and shipwrecked, medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

CHAPTER II.

WOUNDED, SICK AND SHIPWRECKED.

ARTICLE 12.

Members of the armed forces and other persons mentioned in the following Article, who are at sea and who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances, it being understood that the term "shipwreck" means shipwreck from any cause and includes forced landings at sea by or from aircraft.

Such persons shall be treated humanely and cared for by the Parties to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

ARTICLE 13.

The present Convention shall apply to the wounded, sick and shipwrecked at sea belonging to the following categories:

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
 - (a) that of being commanded by a person responsible for his subordinates;
 - (b) that of having a fixed distinctive sign recognizable at a distance;
 - (c) that of carrying arms openly;
 - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.

- (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.
- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
- (6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

ARTICLE 14.

All warships of a belligerent Party shall have the right to demand that the wounded, sick or shipwrecked on board military hospital ships, and hospital ships belonging to relief societies or to private individuals, as well as merchant vessels, yachts and other craft shall be surrendered, whatever their nationality, provided that the wounded and sick are in a fit state to be moved and that the warship can provide adequate facilities for necessary medical treatment.

ARTICLE 15.

If wounded, sick or shipwrecked persons are taken on board a neutral warship or a neutral military aircraft, it shall be ensured, where so required by international law, that they can take no further part in operations of war.

ARTICLE 16.

Subject to the provisions of Article 12, the wounded, sick and shipwrecked of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them. The captor may decide, according to circumstances, whether it is expedient to hold them, or to convey them to a port in the captor's own country, to a neutral port or even to a port in enemy territory. In the last case, prisoners of war thus returned to their home country may not serve for the duration of the war.

ARTICLE 17.

Wounded, sick or shipwrecked persons who are landed in neutral ports with the consent of the local authorities, shall, failing arrangements to the contrary between the neutral and the belligerent Powers, be

so guarded by the neutral Power, where so required by international law, that the said persons cannot again take part in operations of war.

The costs of hospital accommodation and internment shall be borne by the Power on whom the wounded, sick or shipwrecked persons depend.

ARTICLE 18.

After each engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the shipwrecked, wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, the Parties to the conflict shall conclude local arrangements for the removal of the wounded and sick by sea from a besieged or encircled area and for the passage of medical and religious personnel and equipment on their way to that area.

ARTICLE 19.

The Parties to the conflict shall record as soon as possible, in respect of each shipwrecked, wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification. These records should if possible include:

- (a) designation of the Power on which he depends;
- (b) army, regimental, personal or serial number;
- (c) surname;
- (d) first name or names;
- (e) date of birth;
- (f) any other particulars shown on his identity card or disc;
- (g) date and place of capture or death;
- (h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above-mentioned information shall be forwarded to the information bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of the double identity disc, or the identity disc itself if it is a single disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

ARTICLE 20.

Parties to the conflict shall ensure that burial at sea of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. Where a double identity disc is used, one half of the disc should remain on the body.

If dead persons are landed, the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be applicable.

ARTICLE 21.

The Parties to the conflict may appeal to the charity of commanders of neutral merchant vessels, yachts or other craft, to take on board and care for wounded, sick or shipwrecked persons, and to collect the dead.

Vessels of any kind responding to this appeal, and those having of their own accord collected wounded, sick or shipwrecked persons, shall enjoy special protection and facilities to carry out such assistance.

They may, in no case, be captured on account of any such transport; but, in the absence of any promise to the contrary, they shall remain liable to capture for any violations of neutrality they may have committed.

CHAPTER III.

HOSPITAL SHIPS.

ARTICLE 22.

Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, to treating them and to transporting them, may in no circumstances be attacked or captured, but shall at all times be respected and protected, on condition that their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed.

The characteristics which must appear in the notification shall include registered gross tonnage, the length from stem to stern and the number of masts and funnels.

ARTICLE 23.

Establishments ashore entitled to the protection of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be protected from bombardment or attack from the sea.

ARTICLE 24.

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

These ships must be provided with certificates from the responsible authorities, stating that the vessels have been under their control while fitting out and on departure.

ARTICLE 25.

Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict, with the previous consent of their own governments and with the authorization of the Party to the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

ARTICLE 26.

The protection mentioned in Articles 22, 24 and 25 shall apply to hospital ships of any tonnage and to their lifeboats, wherever they are operating. Nevertheless, to ensure the maximum comfort and security, the Parties to the conflict shall endeavour to utilize, for the transport of wounded, sick and shipwrecked over long distances and on the high seas, only hospital ships of over 2,000 tons gross.

ARTICLE 27.

Under the same conditions as those provided for in Articles 22 and 24, small craft employed by the State or by the officially recognized lifeboat institutions for coastal rescue operations, shall also be respected and protected, so far as operational requirements permit.

The same shall apply so far as possible to fixed coastal installations used exclusively by these craft for their humanitarian missions.

ARTICLE 28.

Should fighting occur on board a warship, the sick-bays shall be respected and spared as far as possible. Sick-bays and their equipment shall remain subject to the laws of warfare, but may not be diverted from their purpose so long as they are required for the wounded and sick. Nevertheless, the commander into whose power they have fallen may, after ensuring the proper care of the wounded and sick who are accommodated therein, apply them to other purposes in case of urgent military necessity.

ARTICLE 29.

Any hospital ship in a port which falls into the hands of the enemy shall be authorized to leave the said port.

ARTICLE 30.

The vessels described in Articles 22, 24, 25 and 27 shall afford relief and assistance to the wounded, sick and shipwrecked without distinction of nationality.

The High Contracting Parties undertake not to use these vessels for any military purpose.

Such vessels shall in no wise hamper the movements of the combatants.

During and after an engagement, they will act at their own risk.

ARTICLE 31.

The Parties to the conflict shall have the right to control and search the vessels mentioned in Articles 22, 24, 25 and 27. They can refuse assistance from these vessels, order them off, make them take a certain course, control the use of their wireless and other means of communication, and even detain them for a period not exceeding seven days from the time of interception, if the gravity of the circumstances so requires.

They may put a commissioner temporarily on board whose sole task shall be to see that orders given in virtue of the provisions of the preceding paragraph are carried out.

As far as possible, the Parties to the conflict shall enter in the log of the hospital ship, in a language he can understand, the orders they have given the captain of the vessel.

Parties to the conflict may, either unilaterally or by particular agreements, put on board their ships neutral observers who shall verify the strict observation of the provisions contained in the present Convention.

ARTICLE 32.

Vessels described in Articles 22, 24, 25 and 27 are not classed as warships as regards their stay in a neutral port.

ARTICLE 33.

Merchant vessels which have been transformed into hospital ships cannot be put to any other use throughout the duration of hostilities.

ARTICLE 34.

The protection to which hospital ships and sick-bays are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however,

cease only after due warning has been given, naming in all appropriate cases a reasonable time limit, and after such warning has remained unheeded.

In particular, hospital ships may not possess or use a secret code for their wireless or other means of communication.

ARTICLE 35.

The following conditions shall not be considered as depriving hospital ships or sick-bays of vessels of the protection due to them:

- (1) The fact that the crews of ships or sick-bays are armed for the maintenance of order, for their own defence or that of the sick and wounded.
- (2) The presence on board of apparatus exclusively intended to facilitate navigation or communication.
- (3) The discovery on board hospital ships or in sick-bays of portable arms and ammunition taken from the wounded, sick and shipwrecked and not yet handed to the proper service.
- (4) The fact that the humanitarian activities of hospital ships and sick-bays of vessels or of the crews extend to the care of wounded, sick or shipwrecked civilians.
- (5) The transport of equipment and of personnel intended exclusively for medical duties, over and above the normal requirements.

CHAPTER IV.

PERSONNEL.

ARTICLE 36.

The religious, medical and hospital personnel of hospital ships and their crews shall be respected and protected; they may not be captured during the time they are in the service of the hospital ship, whether or not there are wounded and sick on board.

ARTICLE 37.

The religious, medical and hospital personnel assigned to the medical or spiritual care of the persons designated in Articles 12 and 13 shall, if they fall into the hands of the enemy, be respected and protected; they may continue to carry out their duties as long as this is necessary for the care of the wounded and sick. They shall afterwards be sent back as soon as the Commander-in-Chief, under whose authority they are, considers it practicable. They may take with them, on leaving the ship, their personal property.

If, however, it prove necessary to retain some of this personnel owing to the medical or spiritual needs of prisoners of war, everything possible shall be done for their earliest possible landing.

Retained personnel shall be subject, on landing, to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

CHAPTER V.

MEDICAL TRANSPORTS.

ARTICLE 38.

Ships chartered for that purpose shall be authorized to transport equipment exclusively intended for the treatment of wounded and sick members of armed forces or for the prevention of disease, provided that the particulars regarding their voyage have been notified to the adverse Power and approved by the latter. The adverse Power shall preserve the right to board the carrier ships, but not to capture them or seize the equipment carried.

By agreement amongst the Parties to the conflict, neutral observers may be placed on board such ships to verify the equipment carried. For this purpose, free access to the equipment shall be given.

ARTICLE 39.

Medical aircraft, that is to say, aircraft exclusively employed for the removal of the wounded, sick and shipwrecked, and for the transport of medical personnel and equipment, may not be the object of attack, but shall be respected by the Parties to the conflict, while flying at heights, at times and on routes specifically agreed upon between the Parties to the conflict concerned.

They shall be clearly marked with the distinctive emblem prescribed in Article 41, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification which may be agreed upon between the Parties to the conflict upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to alight on land or water. In the event of having thus to alight, the aircraft with its occupants may continue its flight after examination, if any.

In the event of alighting involuntarily on land or water in enemy or enemy-occupied territory, the wounded, sick and shipwrecked, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Articles 36 and 37.

ARTICLE 40.

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land thereon in case of necessity, or use it as a port of call. They shall give neutral Powers prior notice of their passage over the said territory, and obey every summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless otherwise agreed between the neutral Powers and the Parties to the conflict, the wounded, sick or shipwrecked who are disembarked with the consent of the local authorities on neutral territory by medical aircraft shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VI.

THE DISTINCTIVE EMBLEM.

ARTICLE 41.

Under the direction of the competent military authority, the emblem of the red cross on a white ground shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, these emblems are also recognized by the terms of the present Convention.

ARTICLE 42.

The personnel designated in Articles 36 and 37 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 19, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Conven-

tion. The card shall bear the photograph of the owner and also either his signature or his fingerprints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

ARTICLE 43.

The ships designated in Articles 22, 24, 25 and 27 shall be distinctively marked as follows:

- (a) All exterior surfaces shall be white.
- (b) One or more dark red crosses, as large as possible, shall be painted and displayed on each side of the hull and on the horizontal surfaces, so placed as to afford the greatest possible visibility from the sea and from the air.

All hospital ships shall make themselves known by hoisting their national flag and further, if they belong to a neutral state, the flag of the Party to the conflict whose direction they have accepted. A white flag with a red cross shall be flown at the mainmast as high as possible.

Lifeboats of hospital ships, coastal lifeboats and all small craft used by the Medical Service shall be painted white with dark red crosses prominently displayed and shall, in general, comply with the identification system prescribed above for hospital ships.

The above-mentioned ships and craft, which may wish to ensure by night and in times of reduced visibility the protection to which they are entitled, must, subject to the assent of the Party to the conflict under whose power they are, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.

Hospital ships which, in accordance with Article 31, are provisionally detained by the enemy, must haul down the flag of the Party to the conflict in whose service they are or whose direction they have accepted.

Coastal lifeboats, if they continue to operate with the consent of the Occupying Power from a base which is occupied, may be allowed, when away from their base, to continue to fly their own national colours along with a flag carrying a red cross on a white ground, subject to prior notification to all the Parties to the conflict concerned.

All the provisions in this Article relating to the red cross shall apply equally to the other emblems mentioned in Article 41.

Parties to the conflict shall at all times endeavour to conclude mutual agreements in order to use the most modern methods available to facilitate the identification of hospital ships.

ARTICLE 44.

The distinguishing signs referred to in Article 43 can only be used, whether in time of peace or war, for indicating or protecting the ships therein mentioned, except as may be provided in any other international Convention or by agreement between all the Parties to the conflict concerned.

ARTICLE 45.

The High Contracting Parties shall, if their legislation is not already adequate, take the measures necessary for the prevention and repression, at all times, of any abuse of the distinctive signs provided for under Article 43.

CHAPTER VII.

EXECUTION OF THE CONVENTION.

ARTICLE 46.

Each Party to the conflict, acting through its Commanders-in-Chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

ARTICLE 47.

Reprisals against the wounded, sick and shipwrecked persons, the personnel, the vessels or the equipment protected by the Convention are prohibited.

ARTICLE 48.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

ARTICLE 49.

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

CHAPTER VIII.

REPRESSION OF ABUSES AND INFRACTIONS.

ARTICLE 50.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ARTICLE 51.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

ARTICLE 52.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 53.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire, who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

FINAL PROVISIONS.

ARTICLE 54.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ARTICLE 55.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

ARTICLE 56.

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 57.

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ARTICLE 58.

The present Convention replaces the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, in relations between the High Contracting Parties.

ARTICLE 59.

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

ARTICLE 60.

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 61.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 62.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 63.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

(Here follow the annex and the signatures on behalf of the following countries: Afghanistan, People's Republic of Albania, Argentina, Australia, Austria, Belgium, Byelorussian Soviet Socialist Republic, Bolivia, Brazil, Bulgarian People's Republic, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Egypt, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Greece, Guatemala, Hungarian People's Republic, India, Iran, Republic of Ireland, Israel, Italy, Lebanon, Liechtenstein, Luxemburg, Mexico, Principality of Monaco, Nicaragua, Norway, New Zealand, Pakistan, Paraguay, Netherlands, Peru, Republic of the Philippines, Poland, Portugal, Rumanian People's Republic, United Kingdom of Great Britain and Northern Ireland, Holy See, El Salvador, Sweden, Switzerland, Syria, Czechoslovakia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Federal People's Republic of Yugoslavia.)

SCHEDULE III.

GENEVA CONVENTION RELATIVE TO THE TREATMENT OF
PRISONERS OF WAR OF AUGUST 12, 1949.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:

PART I.

GENERAL PROVISIONS.

ARTICLE 1.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2.

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (b) taking of hostages;
 - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
 - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4.

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
 - (a) that of being commanded by a person responsible for his subordinates;
 - (b) that of having a fixed distinctive sign recognizable at a distance;
 - (c) that of carrying arms openly;
 - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.
- (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors,

members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
- (6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

- (1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.
- (2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126, and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

ARTICLE 5.

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

ARTICLE 6.

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 7.

Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 8.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

ARTICLE 9.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may,

subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

ARTICLE 10.

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

ARTICLE 11.

In cases where they deem it advisable in the interest of protected persons particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral

territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II.

GENERAL PROTECTION OF PRISONERS OF WAR

ARTICLE 12.

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

ARTICLE 13.

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

ARTICLE 14.

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

ARTICLE 15.

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

ARTICLE 16.

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

PART III.

CAPTIVITY.

SECTION I.

BEGINNING OF CAPTIVITY.

ARTICLE 17.

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information.

If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall

measure 6.5×10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

ARTICLE 18.

All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

ARTICLE 19.

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

ARTICLE 20.

The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

SECTION II.

INTERNMENT OF PRISONERS OF WAR.

CHAPTER I.

GENERAL OBSERVATIONS.

ARTICLE 21.

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

ARTICLE 22.

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

ARTICLE 23.

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

ARTICLE 24.

Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

CHAPTER II.

QUARTERS, FOOD AND CLOTHING OF PRISONERS OF WAR.

ARTICLE 25.

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

ARTICLE 26.

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

ARTICLE 27.

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power

should, if suitable for the climate, be made available to clothe prisoners of war.

The regular replacement and repair of the above articles shall be assured by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

ARTICLE 28.

Canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices.

The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoners' representative shall have the right to collaborate in the management of the canteen and of this fund.

When a camp is closed down, the credit balance of the special fund shall be handed to an international welfare organization, to be employed for the benefit of prisoners of war of the same nationality as those who have contributed to the fund. In case of a general repatriation, such profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

CHAPTER III.

HYGIENE AND MEDICAL ATTENTION.

ARTICLE 29.

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

ARTICLE 30.

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such

treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other artificial appliances, and spectacles, shall be borne by the Detaining Power.

ARTICLE 31.

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose the most efficient methods available shall be employed, e.g. periodic mass miniature radiography for the early detection of tuberculosis.

ARTICLE 32.

Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

CHAPTER IV.

MEDICAL PERSONNEL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR.

ARTICLE 33.

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not

be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministration to prisoners of war.

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions:

- (a) They shall be authorized to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall place at their disposal the necessary means of transport.
- (b) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of the medical personnel, including that of societies mentioned in Article 26 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.
- (c) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

CHAPTER V.

RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES.

ARTICLE 34.

Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith,

on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

ARTICLE 35.

Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censorship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

ARTICLE 36.

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

ARTICLE 37.

When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed, at the request of the prisoners concerned, to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.

ARTICLE 38.

While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners,

and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment.

Prisoners shall have opportunities for taking physical exercise, including sports and games, and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

CHAPTER VI.

DISCIPLINE.

ARTICLE 39.

Every prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular armed forces of the Detaining Power. Such officer shall have in his possession a copy of the present Convention; he shall ensure that its provisions are known to the camp staff and the guard and shall be responsible, under the direction of his government, for its application.

Prisoners of war, with the exception of officers, must salute and show to all officers of the Detaining Power the external marks of respect provided for by the regulations applying in their own forces.

Officer prisoners of war are bound to salute only officers of a higher rank of the Detaining Power; they must, however, salute the camp commander regardless of his rank.

ARTICLE 40.

The wearing of badges of rank and nationality, as well as of decorations, shall be permitted.

ARTICLE 41.

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

ARTICLE 42.

The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

CHAPTER VII.

RANK OF PRISONERS OF WAR.

ARTICLE 43.

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize promotions in rank which have been accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend.

ARTICLE 44.

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, as far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves shall be facilitated in every way.

ARTICLE 45.

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

CHAPTER VIII.

TRANSFER OF PRISONERS OF WAR
AFTER THEIR ARRIVAL IN CAMP.

ARTICLE 46.

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interest of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken

of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

ARTICLE 47.

Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands it.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their transfer can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

ARTICLE 48.

In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.

SECTION III.

LABOUR OF PRISONERS OF WAR.

ARTICLE 49.

The Detaining Power may utilize the labour of prisoners of war who are physically fit, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may ask for other suitable work which shall, so far as possible, be found for them.

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

ARTICLE 50.

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

- (a) agriculture;
- (b) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;
- (c) transport and handling of stores which are not military in character or purpose;
- (d) commercial business, and arts and crafts;
- (e) domestic service;
- (f) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

ARTICLE 51.

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which such prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

ARTICLE 52.

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

The removal of mines or similar devices shall be considered as dangerous labour.

ARTICLE 53.

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

ARTICLE 54.

The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

ARTICLE 55.

The fitness of prisoners of war for work shall be periodically verified by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Physicians or surgeons may recommend that the prisoners who are, in their opinion, unfit for work, be exempted therefrom.

ARTICLE 56.

The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

Every labour detachment shall remain under the control of and administratively part of a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up-to-date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

ARTICLE 57.

The treatment of prisoners of war who work for private persons, even if the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

Such prisoners of war shall have the right to remain in communication with the prisoners' representatives in the camps on which they depend.

SECTION IV.

FINANCIAL RESOURCES OF PRISONERS OF WAR.

ARTICLE 58.

Upon the outbreak of hostilities, and pending an arrangement on this matter with the Protecting Power, the Detaining Power may determine the maximum amount of money in cash or in any similar form, that prisoners may have in their possession. Any amount in excess, which was properly in their possession and which has been taken or withheld from them, shall be placed to their account, together with any monies deposited by them, and shall not be converted into any other currency without their consent.

If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the prisoner himself or by the camp administration who will charge them to the accounts of the prisoners concerned. The Detaining Power will establish the necessary rules in this respect.

ARTICLE 59.

Cash which was taken from prisoners of war, in accordance with Article 18, at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, in accordance with the provisions of Article 64 of the present Section.

The amounts, in the currency of the Detaining Power, due to the conversion of sums in other currencies that are taken from the prisoners of war at the same time, shall also be credited to their separate accounts.

ARTICLE 60.

The Detaining Power shall grant all prisoners of war a monthly advance of pay, the amount of which shall be fixed by conversion, into the currency of the said Power, of the following amounts:

Category I : Prisoners ranking below sergeants: eight Swiss francs.

Category II : Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.

Category III: Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.

Category IV: Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.

Category V : General officers or prisoners of war of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power:

- (a) shall continue to credit the accounts of the prisoners with the amounts indicated in the first paragraph above;
- (b) may temporarily limit the amount made available from these advances of pay to prisoners of war for their own use, to sums which are reasonable, but which, for Category I, shall never be inferior to the amount that the Detaining Power gives to the members of its own armed forces.

The reasons for any limitations will be given without delay to the Protecting Power.

ARTICLE 61.

The Detaining Power shall accept for distribution as supplementary pay to prisoners of war sums which the Power on which the prisoners depend may forward to them, on condition that the sums to be paid shall be the same for each prisoner of the same category, shall be payable to all prisoners of that category depending on that Power, and shall be placed in their separate accounts, at the earliest opportunity, in accordance with the provisions of Article 64. Such supplementary pay shall not relieve the Detaining Power of any obligation under this Convention.

ARTICLE 62.

Prisoners of war shall be paid a fair working rate of pay by the detaining authorities direct. The rate shall be fixed by the said authorities, but shall at no time be less than one-fourth of one Swiss franc for a full working day. The Detaining Power shall inform prisoners of war, as well as the Power on which they depend, through the intermediary of the Protecting Power, of the rate of daily working pay that it has fixed.

Working pay shall likewise be paid by the detaining authorities to prisoners of war permanently detailed to duties or to a skilled or semi-skilled occupation in connection with the administration, installation or maintenance of camps, and to the prisoners who are required to carry out spiritual or medical duties on behalf of their comrades.

The working pay of the prisoners' representative, of his advisers, if any, and of his assistants, shall be paid out of the fund maintained by canteen profits. The scale of this working pay shall be fixed by the prisoners' representative and approved by the camp commander. If there is no such fund, the detaining authorities shall pay these prisoners a fair working rate of pay.

ARTICLE 63.

Prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively.

Every prisoner of war shall have at his disposal the credit balance of his account as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions which the Detaining Power regards as essential, prisoners of war may also have payments made abroad. In this case payments addressed by prisoners of war to dependents shall be given priority.

In any event, and subject to the consent of the Power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the aforesaid Power through the Protecting Power, a notification giving all the necessary particulars concerning the prisoners of war, the beneficiaries of the payments, and the amount of the sums to be paid, expressed in the Detaining Power's currency. The said notification shall be signed by the prisoners and countersigned by the camp commander. The Detaining Power shall debit the prisoners' account by a corresponding amount; the sums thus debited shall be placed by it to the credit of the Power on which the prisoners depend.

To apply the foregoing provisions, the Detaining Power may usefully consult the Model Regulations in Annex V of the present Convention.

ARTICLE 64.

The Detaining Power shall hold an account for each prisoner of war, showing at least the following:

- (1) The amounts due to the prisoner or received by him as advances of pay, as working pay or derived from any other source; the sums in the currency of the Detaining Power which were taken from him; the sums taken from him and converted at his request into the currency of the said Power.
- (2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 63, third paragraph.

ARTICLE 65.

Every item entered in the account of a prisoner of war shall be countersigned or initialled by him, or by the prisoners' representative acting on his behalf.

Prisoners of war shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts, which may likewise be inspected by the representatives of the Protecting Powers at the time of visits to the camp.

When prisoners of war are transferred from one camp to another, their personal accounts will follow them. In case of transfer from one Detaining Power to another, the monies which are their property and are not in the currency of the Detaining Power will follow them. They shall be given certificates for any other monies standing to the credit of their accounts.

The Parties to the conflict concerned may agree to notify to each other at specific intervals through the Protecting Power, the amount of the accounts of the prisoners of war.

ARTICLE 66.

On the termination of captivity, through the release of a prisoner of war or his repatriation, the Detaining Power shall give him a statement, signed by an authorized officer of that Power, showing the credit balance then due to him. The Detaining Power shall also send through the Protecting Power to the government upon which the prisoner of war depends, lists giving all appropriate particulars of all prisoners of war whose captivity has been terminated by repatriation, release, escape, death or any other means, and showing the amount of their credit balances. Such lists shall be certified on each sheet by an authorized representative of the Detaining Power.

Any of the above provisions of this Article may be varied by mutual agreement between any two Parties to the conflict.

The Power on which the prisoner of war depends shall be responsible for settling with him any credit balance due to him from the Detaining Power on the termination of his captivity.

ARTICLE 67.

Advances of pay, issued to prisoners of war in conformity with Article 60, shall be considered as made on behalf of the Power on which

they depend. Such advances of pay, as well as all payments made by the said Power under Article 63, third paragraph, and Article 68, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

ARTICLE 68.

Any claim by a prisoner of war for compensation in respect of any injury or other disability arising out of work shall be referred to the Power on which he depends, through the Protecting Power. In accordance with Article 54, the Detaining Power will, in all cases, provide the prisoner of war concerned with a statement showing the nature of the injury or disability, the circumstances in which it arose and particulars of medical or hospital treatment given for it. This statement will be signed by a responsible officer of the Detaining Power and the medical particulars certified by a medical officer.

Any claim by a prisoner of war for compensation in respect of personal effects monies or valuables impounded by the Detaining Power under Article 18 and not forthcoming on his repatriation, or in respect of loss alleged to be due to the fault of the Detaining Power or any of its servants, shall likewise be referred to the Power on which he depends. Nevertheless, any such personal effects required for use by the prisoners of war whilst in captivity shall be replaced at the expense of the Detaining Power. The Detaining Power will, in all cases, provide the prisoner of war with a statement, signed by a responsible officer, showing all available information regarding the reasons why such effects, monies or valuables have not been restored to him. A copy of this statement will be forwarded to the Power on which he depends through the Central Prisoners of War Agency provided for in Article 123.

SECTION V.

RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR.

ARTICLE 69.

Immediately upon prisoners of war falling into its power, the Detaining Power shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken to carry out the provisions of the present Section. They shall likewise inform the parties concerned of any subsequent modifications of such measures.

ARTICLE 70.

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central

Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

ARTICLE 71.

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 70, and conforming as closely as possible to the models annexed to the present Convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the prisoners of war concerned to do so owing to difficulties of translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, possibly at the request of the Detaining Power. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoners of war's accounts with the Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency.

As a general rule, the correspondence of prisoners of war shall be written in their native language. The Parties to the conflict may allow correspondence in other languages.

Sacks containing prisoner of war mail must be securely sealed and labelled so as clearly to indicate their contents, and must be addressed to offices of destination.

ARTICLE 72.

Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

ARTICLE 73.

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning collective shipments, which are annexed to the present Convention, shall be applied.

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

Nor shall such agreements restrict the right of representatives of the Protecting Power, the International Committee of the Red Cross or any other organization giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ARTICLE 74.

All relief shipments for prisoners of war shall be exempt from import, customs and other dues.

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 122 and the Central Prisoners of War Agency provided for in Article 123, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

If relief shipments intended for prisoners of war cannot be sent through the post office by reason of weight or for any other cause, the cost of transportation shall be borne by the Detaining Power in all the territories under its control. The other Powers party to the Convention shall bear the cost of transport in their respective territories.

In the absence of special agreements between the Parties concerned, the costs connected with transport of such shipments, other than costs covered by the above exemption, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the rates charged for telegrams sent by prisoners of war, or addressed to them.

ARTICLE 75.

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- (a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 123 and the National Bureaux referred to in Article 122;
- (b) correspondence and reports relating to prisoners of war which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the prisoners, exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

ARTICLE 76.

The censoring of correspondence addressed to prisoners of war or despatched by them shall be done as quickly as possible. Mail shall be censored only by the despatching State and the receiving State, and once only by each.

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by Parties to the conflict, either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ARTICLE 77.

The Detaining Powers shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War

Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

SECTION VI.

RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES.

CHAPTER I.

COMPLAINTS OF PRISONERS OF WAR RESPECTING THE CONDITIONS OF CAPTIVITY.

ARTICLE 78.

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

CHAPTER II.

PRISONER OF WAR REPRESENTATIVES.

ARTICLE 79.

In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognized as the camp prisoners' representative. In camps for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps, his assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

ARTICLE 80.

Prisoners' representatives shall further the physical, spiritual and intellectual well-being of prisoners of war.

In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible, simply by reason of their duties, for any offences committed by prisoners of war.

ARTICLE 81.

Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspection of labour detachments, receipt of supplies, etc.).

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoners' representatives for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and the bodies which give assistance to prisoners of war. Prisoners' representatives of labour detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

Prisoners' representatives who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefor shall be communicated to the Protecting Power.

CHAPTER III.

PENAL AND DISCIPLINARY SANCTIONS.

I. General Provisions.

ARTICLE 82.

A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

ARTICLE 83.

In deciding whether proceedings in respect of an offence alleged to have been committed by a prisoner of war shall be judicial or disciplinary, the Detaining Power shall ensure that the competent authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

ARTICLE 84.

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence provided for in Article 105.

ARTICLE 85.

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

ARTICLE 86.

No prisoner of war may be punished more than once for the same act or on the same charge.

ARTICLE 87.

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

ARTICLE 88.

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

II. Disciplinary Sanctions.

ARTICLE 89.

The disciplinary punishments applicable to prisoners of war are the following:

- (1) A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- (3) Fatigue duties not exceeding two hours daily.
- (4) Confinement.

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

ARTICLE 90.

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

ARTICLE 91.

The escape of a prisoner of war shall be deemed to have succeeded when:

- (1) he has joined the armed forces of the Power on which he depends, or those of an allied Power;
- (2) he has left the territory under the control of the Detaining Power, or of an ally of the said Power;

- (3) he has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are recaptured, shall not be liable to any punishment in respect of their previous escape.

ARTICLE 92.

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

ARTICLE 93.

Escape or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, or the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this account to disciplinary punishment only.

ARTICLE 94.

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

ARTICLE 95.

A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

ARTICLE 96.

Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

ARTICLE 97.

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

ARTICLE 98.

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this

Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

III. Judicial Proceedings.

ARTICLE 99.

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, in force at the time the said act was committed.

No moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defence and the assistance of a qualified advocate or counsel.

ARTICLE 100.

Prisoners of war and the Protecting Powers shall be informed as soon as possible of the offences which are punishable by the death sentence under the laws of the Detaining Power.

Other offences shall not thereafter be made punishable by the death penalty without the concurrence of the Power on which the prisoners of war depend.

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

ARTICLE 101.

If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at

least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

ARTICLE 102.

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

ARTICLE 103.

Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a member of the armed forces of the Detaining Power would be so confined if he were accused of a similar offence, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into account in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

ARTICLE 104.

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:

- (1) Surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any;
- (2) Place of internment or confinement;
- (3) Specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable;
- (4) Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoners' representative.

If no evidence is submitted, at the opening of a trial, that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

ARTICLE 105.

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall be advised of these rights by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall find him an advocate or counsel, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list of persons qualified to present the defence. Failing a choice of an advocate or counsel by the prisoner of war or the Protecting Power, the Detaining Power shall appoint a competent advocate or counsel to conduct the defence.

The advocate or counsel conducting the defence on behalf of the prisoner of war shall have at his disposal a period of two weeks at least before the opening of the trial, as well as the necessary facilities to prepare the defence of the accused. He may, in particular, freely visit the accused and interview him in private. He may also confer with any witnesses for the defence, including prisoners of war. He shall have the benefit of these facilities until the term of appeal or petition has expired.

Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

The representatives of the Protecting Power shall be entitled to attend the trial of the case, unless, exceptionally, this is held *in camera* in the interest of State security. In such a case the Detaining Power shall advise the Protecting Power accordingly.

ARTICLE 106.

Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the reopening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

ARTICLE 107.

Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the reopening of the trial. This communication shall likewise be sent to the

prisoners' representative concerned. It shall also be sent to the accused prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced on a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

- (1) the precise wording of the finding and sentence;
- (2) a summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;
- (3) notification, where applicable, of the establishment where the sentence will be served.

The communications provided for in the foregoing sub-paragraphs shall be sent to the Protecting Power at the address previously made known to the Detaining Power.

ARTICLE 108.

Sentences pronounced on prisoners of war after a conviction has become duly enforceable, shall be served in the same establishments and under the same conditions as in the case of members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

A woman prisoner of war on whom such a sentence has been pronounced shall be confined in separate quarters and shall be under the supervision of women.

In any case, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 78 and 126 of the present Convention. Furthermore, they shall be entitled to receive and despatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care required by their state of health, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in accordance with the provisions of Article 87, third paragraph.

PART IV.

TERMINATION OF CAPTIVITY.

SECTION I.

DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES.

ARTICLE 109.

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country,

regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this Article, may be repatriated against his will during hostilities.

ARTICLE 110.

The following shall be repatriated direct:

- (1) Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.
- (2) Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.
- (3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country:

- (1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.
- (2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

- (1) Those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation;
- (2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country,

such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

ARTICLE 111.

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

ARTICLE 112.

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

ARTICLE 113.

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in the foregoing Article:

- (1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.
- (2) Wounded and sick proposed by their prisoners' representative.
- (3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

ARTICLE 114.

Prisoners of war who meet with accidents shall, unless the injury is self-inflicted, have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country.

ARTICLE 115.

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

ARTICLE 116.

The cost of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

ARTICLE 117.

No repatriated person may be employed on active military service.

SECTION II.

RELEASE AND REPATRIATION OF PRISONERS OF WAR
AT THE CLOSE OF HOSTILITIES.

ARTICLE 118.

Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

The costs of repatriation of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis:

- (a) If the two Powers are contiguous, the Power on which the prisoners of war depend shall bear the costs of repatriation from the frontiers of the Detaining Power.
- (b) If the two Powers are not contiguous, the Detaining Power shall bear the costs of transport of prisoners of war over its own territory as far as its frontier or its port of embarkation nearest to the territory of the Power on which the prisoners of war depend. The Parties concerned shall agree between themselves as to the equitable apportionment of the remaining costs of the repatriation. The conclusion of this agreement shall in no circumstances justify any delay in the repatriation of the prisoners of war.

ARTICLE 119.

Repatriation shall be effected in conditions similar to those laid down in Articles 46 to 48 inclusive of the present Convention for the transfer of prisoners of war, having regard to the provisions of Article 118 and to those of the following paragraphs.

On repatriation, any articles of value impounded from prisoners of war under Article 18, and any foreign currency which has not been converted into the currency of the Detaining Power, shall be restored to them. Articles of value and foreign currency which, for any reason whatever, are not restored to prisoners of war on repatriation, shall be despatched to the Information Bureau set up under Article 122.

Prisoners of war shall be allowed to take with them their personal effects, and any correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of repatriation so require, to what each prisoner can reasonably carry. Each prisoner shall in all cases be authorized to carry at least twenty-five kilograms.

The other personal effects of the repatriated prisoner shall be left in the charge of the Detaining Power which shall have them forwarded to him as soon as it has concluded an agreement to this effect, regulating the conditions of transport and the payment of the costs involved, with the Power on which the prisoner depends.

Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained until the end of the proceedings or until punishment has been completed.

By agreement between the Parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and of assuring their repatriation with the least possible delay.

SECTION III.

DEATH OF PRISONERS OF WAR.

ARTICLE 120.

Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the prisoner of war and, in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates, in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death and enabling a report to be made and, where necessary, establishing identity.

The detaining authorities shall ensure that prisoners of war who have died in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked so as to be found at any time. Wherever possible, deceased prisoners of war who depended on the same Power shall be interred in the same place.

Deceased prisoners of war shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his express wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

In order that graves may always be found, all particulars of burials and graves shall be recorded with a Graves Registration Service established by the Detaining Power. Lists of graves and particulars of the prisoners of war interred in cemeteries and elsewhere shall be transmitted to the Power on which such prisoners of war depended. Responsibility for the care of these graves and for records of any subsequent moves of the bodies shall rest on the Power controlling the territory, if a Party to the present Convention. These provisions shall also apply

to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

ARTICLE 121.

Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. Statements shall be taken from witnesses, especially from those who are prisoners of war, and a report including such statements shall be forwarded to the Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

PART V.

INFORMATION BUREAUX AND RELIEF SOCIETIES FOR PRISONERS OF WAR.

ARTICLE 122.

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 4, shall take the same action with respect to such persons. The Power concerned shall ensure that the Prisoners of War Information Bureau is provided with the necessary accommodation, equipment and staff to ensure its efficient working. It shall be at liberty to employ prisoners of war in such a Bureau under the conditions laid down in the Section of the present Convention dealing with work by prisoners of war.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information referred to in the fourth, fifth and sixth paragraphs of this Article regarding any enemy person belonging to one of the categories referred to in Article 4, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons belonging to such categories whom they have received within their territory.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned, through the intermediary of the Protecting Powers and likewise of the Central Agency provided for in Article 123.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 17, the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names, rank, army, regimental, personal or serial number, place and full date of birth, indication of the Power on which he depends, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureau shall receive from the various departments concerned information regarding transfers, releases, repatriations, escapes, admissions to hospital, and deaths, and shall transmit such information in the manner described in the third paragraph above.

Likewise, information regarding the state of health of prisoners of war who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

The Information Bureau shall also be responsible for replying to all enquiries sent to it concerning prisoners of war, including those who have died in captivity; it will make any enquiries necessary to obtain the information which is asked for if this is not in its possession.

All written communications made by the Bureau shall be authenticated by a signature or a seal.

The Information Bureau shall furthermore be charged with collecting all personal valuables, including sums in currencies other than that of the Detaining Power and documents of importance to the next of kin, left by prisoners of war who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full particulars of the identity of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Other personal effects of such prisoners of war shall be transmitted under arrangements agreed upon between the Parties to the conflict concerned.

ARTICLE 123.

A Central Prisoners of War Information Agency shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency.

The function of the Agency shall be to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible to the country of origin of the prisoners of war or to the Power on which they depend. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief societies provided for in Article 125.

ARTICLE 124.

The national Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 74, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

ARTICLE 125.

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organization assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all necessary facilities for visiting the prisoners, for distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organizing their leisure time within the camps. Such societies or organizations may be constituted in the territory of the Detaining Power or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the effective operation of adequate relief to all prisoners of war.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

As soon as relief supplies or material intended for the above-mentioned purposes are handed over to prisoners of war, or very shortly afterwards, receipts for each consignment, signed by the prisoners' representative, shall be forwarded to the relief society or organization making the shipment. At the same time, receipts for these consignments shall be supplied by the administrative authorities responsible for guarding the prisoners.

PART VI.

EXECUTION OF THE CONVENTION.

SECTION I.

GENERAL PROVISIONS.

ARTICLE 126.

Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly

to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the prisoners' representatives, without witnesses, either personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

ARTICLE 127.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population.

Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions.

ARTICLE 128.

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

ARTICLE 129.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such

persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

ARTICLE 130.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

ARTICLE 131.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 132.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II.

FINAL PROVISIONS.

ARTICLE 133.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ARTICLE 134.

The present Convention replaces the Convention of July 27, 1929, in relations between the High Contracting Parties.

ARTICLE 135.

In the relations between the Powers which are bound by the Hague Convention respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of the Hague.

ARTICLE 136.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Convention of July 27, 1929.

ARTICLE 137.

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 138.

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ARTICLE 139.

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

ARTICLE 140.

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 141.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 142.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 143.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

(Here follow the annexes and the signatures on behalf of the following countries: Afghanistan, People's Republic of Albania, Argentina, Australia, Austria, Belgium, Byelorussian Soviet Socialist Republic,

Bolivia, Brazil, Bulgarian People's Republic, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Egypt, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Greece, Guatemala, Hungarian People's Republic, India, Iran, Republic of Ireland, Israel, Italy, Lebanon, Liechtenstein, Luxemburg, Mexico, Principality of Monaco, Nicaragua, Norway, New Zealand, Pakistan, Paraguay, Netherlands, Peru, Republic of the Philippines, Poland, Portugal, Rumanian People's Republic, United Kingdom of Great Britain and Northern Ireland, Holy See, El Salvador, Sweden, Switzerland, Syria, Czechoslovakia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Federal People's Republic of Yugoslavia.)

SCHEDULE IV.

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF AUGUST 12, 1949.

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

PART I.

GENERAL PROVISIONS.

ARTICLE 1.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2.

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4.

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The Provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

ARTICLE 5.

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or

engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

ARTICLE 6.

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

ARTICLE 7.

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 8.

Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 9.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

ARTICLE 10.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

ARTICLE 11.

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

ARTICLE 12.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II.

GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR.

ARTICLE 13.

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

ARTICLE 14.

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

ARTICLE 15.

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

- (a) wounded and sick combatants or non-combatants;
- (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

ARTICLE 16.

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

ARTICLE 17.

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

ARTICLE 18.

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

ARTICLE 19.

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.

ARTICLE 20.

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and

shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

ARTICLE 21.

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

ARTICLE 22.

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

ARTICLE 23.

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- (a) that the consignments may be diverted from their destination,
- (b) that the control may not be effective, or
- (c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

ARTICLE 24.

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

ARTICLE 25.

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as

the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

ARTICLE 26.

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

PART III.

STATUS AND TREATMENT OF PROTECTED PERSONS.

SECTION I.

PROVISIONS COMMON TO THE TERRITORIES OF THE PARTIES TO THE CONFLICT AND TO OCCUPIED TERRITORIES.

ARTICLE 27.

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

ARTICLE 28.

The presence of a protected person may not be used to render certain points or areas immune from military operations.

ARTICLE 29.

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

ARTICLE 30.

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

ARTICLE 31.

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

ARTICLE 32.

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

ARTICLE 33.

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

ARTICLE 34.

The taking of hostages is prohibited.

SECTION II.

ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT.

ARTICLE 35.

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

ARTICLE 36.

Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

ARTICLE 37.

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

ARTICLE 38.

With the exception of special measures authorized by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

- (1) They shall be enabled to receive the individual or collective relief that may be sent to them.
- (2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.
- (3) They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.
- (4) If they reside in an area particularly exposed to the dangers of war, they shall be authorized to move from that area to the same extent as the nationals of the State concerned.
- (5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

ARTICLE 39.

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

ARTICLE 40.

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

ARTICLE 41.

Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

ARTICLE 42.

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

ARTICLE 43.

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

ARTICLE 44.

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

ARTICLE 45.

Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

ARTICLE 46.

In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

SECTION III.

OCCUPIED TERRITORIES.

ARTICLE 47.

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the

occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

ARTICLE 48.

Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

ARTICLE 49.

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

ARTICLE 50.

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

ARTICLE 51.

The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

ARTICLE 52.

No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

ARTICLE 53.

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

ARTICLE 54.

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

ARTICLE 55.

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

ARTICLE 56.

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory,

with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

ARTICLE 57.

The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

ARTICLE 58.

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

ARTICLE 59.

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied

through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

ARTICLE 60.

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

ARTICLE 61.

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the cooperation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

ARTICLE 62.

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

ARTICLE 63.

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

- (a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;
- (b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

ARTICLE 64.

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

ARTICLE 65.

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

ARTICLE 66.

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

ARTICLE 67.

The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

ARTICLE 68.

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration,

nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

ARTICLE 69.

In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

ARTICLE 70.

Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

ARTICLE 71.

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

- (a) description of the accused;
- (b) place of residence or detention;
- (c) specification of the charge or charges (with mention of the penal provisions under which it is brought);
- (d) designation of the court which will hear the case;
- (e) place and date of the first hearing.

ARTICLE 72.

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

ARTICLE 73.

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court

make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

ARTICLE 74.

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71, and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

ARTICLE 75.

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

ARTICLE 76.

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

ARTICLE 77.

Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

ARTICLE 78.

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

SECTION IV.

REGULATIONS FOR THE TREATMENT OF INTERNEES.

CHAPTER I.

GENERAL PROVISIONS.

ARTICLE 79.

The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

ARTICLE 80.

Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

ARTICLE 81.

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

ARTICLE 82.

The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

CHAPTER II.

PLACES OF INTERNMENT.

ARTICLE 83.

The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

ARTICLE 84.

Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

ARTICLE 85.

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas, or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

ARTICLE 86.

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

ARTICLE 87.

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local

market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

ARTICLE 88.

In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internment against the danger of fire.

CHAPTER III.

FOOD AND CLOTHING.

ARTICLE 89.

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted.

Internees who work shall receive additional rations in proportion to the kind of labour which they perform.

Expectant and nursing mothers, and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

ARTICLE 90.

When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

CHAPTER IV.

HYGIENE AND MEDICAL ATTENTION.

ARTICLE 91.

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

ARTICLE 92.

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal

diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

CHAPTER V.

RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES.

ARTICLE 93.

Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

ARTICLE 94.

The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

ARTICLE 95.

The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article, shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

ARTICLE 96.

All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the

present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who may visit the places of internment.

CHAPTER VI.

PERSONAL PROPERTY AND FINANCIAL RESOURCES.

ARTICLE 97.

Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

ARTICLE 98.

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organizations which may assist them, or their families, as well as the income on their

property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.), but may not be allocated by that Power or distributed by the Detaining Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power on request, and shall accompany the internee in case of transfer.

CHAPTER VII.

ADMINISTRATION AND DISCIPLINE.

ARTICLE 99.

Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually, must likewise, be given in a language which they understand.

ARTICLE 100.

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include

regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited.

ARTICLE 101.

Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith and without alteration, and even if the latter are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees, may be sent by the Internee Committees to the representatives of the Protecting Powers.

ARTICLE 102.

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

ARTICLE 103.

The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

ARTICLE 104.

Members of Internee Committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the organizations which give assistance to internees. Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

CHAPTER VIII.

RELATIONS WITH THE EXTERIOR.

ARTICLE 105.

Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

ARTICLE 106.

As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

ARTICLE 107.

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up so

as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees, they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

ARTICLE 108.

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

ARTICLE 109.

In the absence of special agreements between Parties to the conflict regarding the conditions for the receipt and distribution of collective relief shipments, the regulations concerning collective relief which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other organization giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ARTICLE 110.

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

ARTICLE 111.

Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft; etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- (a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;
- (b) correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

ARTICLE 112.

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ARTICLE 113.

The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them.

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

ARTICLE 114.

The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

ARTICLE 115.

In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

ARTICLE 116.

Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

CHAPTER IX.

PENAL AND DISCIPLINARY SANCTIONS.

ARTICLE 117.

Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

No internee may be punished more than once for the same act, or on the same count.

ARTICLE 118.

The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

ARTICLE 119.

The disciplinary punishments applicable to internees shall be the following:

- (1) A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.

- (3) Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
- (4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

ARTICLE 120.

Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 118, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape, may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape or attempt to escape, shall be liable on this count to disciplinary punishment only.

ARTICLE 121.

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

ARTICLE 122.

Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

ARTICLE 123.

Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

ARTICLE 124.

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

ARTICLE 125.

Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

ARTICLE 126.

The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

CHAPTER X.

TRANSFERS OF INTERNEES.

ARTICLE 127.

The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining Power in their changes of station. If, as an exceptional measure, such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

ARTICLE 128.

In the event of transfer, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

CHAPTER XI.

DEATHS.

ARTICLE 129.

The wills of internees shall be received for safe-keeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

ARTICLE 130.

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased

internees to the Powers on whom the deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the identification of the deceased internees, as well as the exact location of their graves.

ARTICLE 131.

Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

CHAPTER XII.

RELEASE, REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES.

ARTICLE 132.

Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

ARTICLE 133.

Internment shall cease as soon as possible after the close of hostilities.

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

ARTICLE 134.

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

ARTICLE 135.

The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the costs of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

SECTION V.

INFORMATION BUREAUX AND CENTRAL AGENCY.

ARTICLE 136.

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

ARTICLE 137.

Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

ARTICLE 138.

The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

ARTICLE 139.

Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

ARTICLE 140.

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International

Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmission might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief societies described in Article 142.

ARTICLE 141.

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

PART IV.

EXECUTION OF THE CONVENTION

SECTION I.

GENERAL PROVISIONS.

ARTICLE 142.

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

ARTICLE 143.

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

ARTICLE 144.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions.

ARTICLE 145.

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

ARTICLE 146.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ARTICLE 147.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

ARTICLE 148.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 149.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II.

FINAL PROVISIONS.

ARTICLE 150.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ARTICLE 151.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

ARTICLE 152.

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 153.

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ARTICLE 154.

In the relations between the Powers who are bound by The Hague Conventions respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above mentioned Conventions of The Hague.

ARTICLE 155.

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

ARTICLE 156.

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 157.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 158.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 159.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

(Here follow the annexes and the signatures on behalf of the following countries: Afghanistan, People's Republic of Albania, Argentina, Australia, Austria, Belgium, Byelorussian Soviet Socialist Republic, Bolivia, Brazil, Bulgarian People's Republic, Canada, Chile, China, Colombia, Cuba, Denmark, Egypt, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Greece, Guatemala, Hungarian People's Republic, India, Iran, Republic of Ireland, Israel, Italy, Lebanon, Liechtenstein, Luxemburg, Mexico, Principality of Monaco, Nicaragua, Norway, New Zealand, Pakistan, Paraguay, Netherlands, Peru, Republic of the Philippines, Poland, Portugal, Rumanian People's Republic, United Kingdom of Great Britain and Northern Ireland, Holy See, El Salvador, Sweden, Switzerland, Syria, Czechoslovakia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Federal People's Republic of Yugoslavia.)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13 - 14 ELIZABETH II.

CHAP. 45

An Act to amend the Merchant Seamen Compensation Act.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S.,
c. 178;
1952-53, c. 16;
1957, c. 9.

1. Paragraph (a) of subsection (1) of section 7 of the *Merchant Seamen Compensation Act* is repealed and the following substituted therefor:

1952-53, c. 16,
s. 8.

“(a) does not disable the seaman for a period of at least three days from earning full wages at the work at which he was employed; or”

2. (1) Paragraph (a) of subsection (1) of section 30 of the said Act is repealed and the following substituted therefor:

1952-53, c. 16,
s. 9(1).

“(a) the necessary expenses of burial of the seaman not exceeding three hundred dollars;”

(2) Paragraphs (e) and (f) of subsection (1) of section 30 of the said Act are repealed and the following substituted therefor:

1957, c. 9
s. 1(1).

“(e) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of seventy-five dollars with an additional monthly payment of twenty-five dollars to be increased upon the death of the widow or invalid husband to thirty-five dollars
(i) for each child under the age of eighteen years, and

- (ii) with the approval of the Board, for each child under the age of twenty-one years who is attending school;
- (f) where the dependants are children only, a monthly payment of thirty-five dollars
 - (i) to each child under the age of eighteen years, and
 - (ii) with the approval of the Board, to each child under the age of twenty-one years who is attending school; and"

3. Section 32 of the said Act is repealed.

1952-53, c. 16,
s. 10.

4. Section 37 of the said Act is repealed and the following substituted therefor: .

Minimum
compensation.

"37. The amount of compensation to which an injured seaman is entitled for temporary total or permanent total disability under this Act shall not be less than twenty-five dollars per week or, where his average earnings are less than twenty-five dollars per week, the amount of such earnings, and for temporary partial or permanent partial disability a corresponding amount in proportion to the impairment of earning capacity."

1957, c. 9, s. 5.

5. Subsection (1) of section 38 of the said Act is repealed and the following substituted therefor:

Computation
of average
earnings.

"38. (1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the seaman was remunerated but not so as in any case to exceed the rate of five thousand dollars per annum."

Payment of
additional
compensation.

6. (1) In addition to the amounts of compensation payable under the Act to dependants of a seaman as a result of his death from an injury, there shall be paid, commencing with the month of April, 1964,

- (a) where the widow of the seaman is the sole dependant, a monthly payment equal to the amount remaining, if any, after subtracting from seventy-five dollars the amount of any monthly payment payable to her pursuant to the Act;
- (b) where the dependants are a widow and one or more children,
 - (i) a monthly payment equal to the amount remaining, if any, after subtracting from

seventy-five dollars the amount of any monthly payment payable to that widow pursuant to the Act, and

- (ii) an additional monthly payment for each child equal to the amount remaining, if any, after subtracting from twenty-five dollars the amount of any monthly payment payable pursuant to the Act for that child, such payment to be increased upon the death of the widow to an amount equal to the amount remaining, if any, after subtracting from thirty-five dollars the amount of any monthly payment payable pursuant to the Act to that child; and

- (c) where the dependants are children only, a monthly payment to each child equal to the amount remaining, if any, after subtracting from thirty-five dollars the amount of any monthly payment payable pursuant to the Act to that child.

(2) In addition to the amounts of compensation payable under the Act to or for the dependent children of a seaman as a result of his death from an injury incurred before the commencement of section 2 of this Act, there shall be paid, with the approval of the Merchant Seamen Compensation Board, to or for each dependent child under the age of twenty-one years who is attending school the compensation that would have been payable had the injury to the seaman from which his death resulted occurred on or after the commencement of section 2 of this Act.

Dependent
minors
attending
school.

(3) The amounts payable pursuant to this section shall be paid out of the Consolidated Revenue Fund and shall be paid subject to the same terms and conditions as apply to the compensation payable pursuant to the *Merchant Seamen Compensation Act* as amended from time to time.

Payment to
be made out
of C.R.F.

(4) In this section, the expression "the Act" means the *Merchant Seamen Compensation Act* as that Act read at the date of the injury to the seaman in respect of whose resulting death compensation is payable.

"The Act"
defined.

7. Sections 1 to 5 and subsection (2) of section 6 shall come into force on a day to be fixed by proclamation of the Governor in Council.

Coming
into force.

13-14 ELIZABETH II.

CHAP. 46

An Act to amend the Penitentiary Act.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1960-61, c. 53.

1. The *Penitentiary Act* is amended by adding thereto, immediately after section 18 thereof, the following section:

“**18A.** (1) A person who by reason of section 17 is not received in a penitentiary or who by reason of section 18 is not accepted into custody shall be confined in any prison, common gaol or other place, not being a penitentiary, in which persons who are charged with or convicted of offences are usually kept in custody. Custody by keeper of appeal or medical certificate

(2) The keeper of any prison, common gaol or other place referred to in subsection (1) to whom a person mentioned in that subsection is delivered shall, upon sufficient authority, receive, safely keep and detain that person under custody in the prison, common gaol or other place until he is transferred to a penitentiary or discharged from custody in accordance with law. Custody by keeper of prison, common gaol or other place.

(3) The original of the warrant or other instrument by which a person referred to in subsection (1) is committed to or is to be imprisoned in a penitentiary, or a copy thereof duly certified by any judge or magistrate or by the clerk of the court in which that person was convicted, is sufficient authority for his detention in accordance with subsection (2).” Sufficient authority.

13-14 ELIZABETH II.

CHAP. 47

An Act to amend the Privileges and Immunities (United Nations) Act.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 219.

1. The long title of the *Privileges and Immunities (United Nations) Act* is repealed and the following substituted therefor:

“An Act to provide for Privileges and Immunities in respect of the United Nations and International Organizations.”

2. Section 1 of the said Act is repealed and the following substituted therefor:

“**1.** This Act may be cited as the *Privileges and Immunities (International Organizations) Act*.” Short title.

3. (1) Subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

“**3.** (1) For the purposes of this section, the expression “organization” means “Organization.”

- (a) any specialized agency of which Canada is a member that is brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations; and
- (b) any international organization of which Canada is a member, the primary purpose of which is the maintenance of international peace or the

economic or social well-being of the community of nations."

(2) Subsection (2) of section 3 of the said Act is amended by striking out the word "and" at the end of paragraph (c) thereof, by adding the word "and" at the end of paragraph (d) thereof and by adding thereto the following paragraph:

- "(e) such experts performing missions for an organization as may be designated by the Governor in Council shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Article VI of the Convention for experts on missions for the United Nations."

ROGER DUHAMEL, F.R.S.C.

QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 48

An Act respecting the Revised Statutes of Canada.

[Assented to 18th March, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) There is hereby established a Statute Revision Commission (in this Act called the "Commission") consisting of the Minister of Justice and five other members to be appointed by the Governor in Council.

Statute
Revision
Commission
established.

(2) The Governor in Council shall designate one of the members of the Commission to be the chairman thereof.

Chairman.

2. The Commission shall examine the Revised Statutes of Canada, 1952, and the public general statutes of Canada enacted since the coming into force of the Revised Statutes of Canada, 1952, and in accordance with the provisions of this Act shall arrange, revise and consolidate the said statutes.

Duties of
Commission.

3. (1) So soon as the Commission reports in writing the completion of the consolidation, including therein such Acts or parts of Acts passed during the present session and subsequent thereto as the Governor General upon the said report may deem advisable so to be included, the Governor General may cause a printed Roll thereof, attested under his signature and that of the Clerk of the Parliaments, to be deposited in the office of the Clerk; and the Roll shall be held to be the original of the statutes so arranged, revised and consolidated.

Certified
Roll to be
deposited
with the
Clerk of the
Parliaments.

(2) After the completion of the consolidation, the Commission may prepare a supplement thereto, showing, as amendments or additions to the consolidation, the public

Supplement.

general statutes of Canada passed after the completion of the consolidation but before the coming into force of the printed Roll thereof, and any other public general statutes of Canada, not included in the consolidation that the Commission may consider advisable to add thereto; and the provisions of this Act applicable to or in respect of such consolidation are *mutatis mutandis* applicable to and in respect of such supplement.

Schedule of
repealed,
superseded,
inconsistent
or spent
enactments.

4. There shall be appended to the Roll a Schedule A similar in form to the Schedule A appended to the Revised Statutes of Canada, 1952; and the Commission may include in the Schedule all Acts and parts of Acts that, though not expressly repealed, are superseded by the Acts so consolidated, or are inconsistent therewith, and all Acts and parts of Acts that were for a temporary purpose, the force of which is spent.

Powers of
Commission
as to
alterations.

5. (1) The Commission, in consolidating the statutes and in incorporating therewith the Acts or parts of Acts passed subsequent to the consolidation and selected for inclusion therein as provided in section 3, may make such alterations in their language as are necessary to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what it deems to be the intention of Parliament or to reconcile seemingly inconsistent enactments or to correct clerical or typographical errors.

Tables
prepared by
Commission.

(2) Any explanatory notes and tables inserted by the Commission form no part of the said statutes and shall be held to have been inserted for convenience only.

Proclamation
declaring
statutes
in force.

6. The Governor in Council, after deposit of the Roll in accordance with section 3, may by proclamation declare the day on, from and after which the same shall come into force and have effect as law, by the designation of the "Revised Statutes of Canada, 19...".

Effect of
proclama-
tion.

7. (1) On, from and after the day mentioned in section 6, the Roll shall accordingly come into force and effect as and by the designation of the "Revised Statutes of Canada, 19...", to all intents as if the Roll were expressly embodied in and enacted by this Act to come into force and have effect on, from and after such day.

Repeal of
enactments in
Schedule A.

(2) On, from and after such day, all the enactments in the several Acts and parts of Acts set out in Schedule A to the Roll stand and are repealed to the extent mentioned in the third column of that Schedule.

8. The repeal of the Acts and parts of Acts as set out in Schedule A to the Roll does not

Repeal not to revive dead law; nor to be retroactive.

- (a) revive any Act or provision of law repealed by them,
- (b) affect any saving clause in the Acts or parts of Acts so repealed, or
- (c) prevent the application of any of those Acts or parts of Acts, or of any Act or provision of law formerly in force, to any transaction, matter or thing, anterior to the repeal, to which they would otherwise apply.

9. (1) The Revised Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the Acts and parts of Acts so repealed, and for which the Revised Statutes are substituted.

Revised Statutes not to be deemed new laws.

(2) If upon any point the provisions of the Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the Revised Statutes take effect, the provisions contained in them prevail; but, as respects all transactions, matters and things anterior to that time, the provisions of the repealed Acts and parts of Acts prevail.

Construction where they differ from repealed enactments.

10. A reference in any Act enacted prior to the coming into force of the Revised Statutes and remaining in force after that time, or in any proclamation, order in council, instrument or document, to any Act or enactment so repealed, shall, after the coming into force of the Revised Statutes, be held, as regards any subsequent transaction, matter or thing, to be a reference to the Act or enactment in the Revised Statutes having the same effect as the repealed Act or enactment.

References to repealed Acts in former Acts, etc.

11. The insertion of any Act in Schedule A to the Roll shall not be considered as a declaration that the Act or any part of it was or was not in force immediately before the coming into force of the Revised Statutes.

Effect of insertion of an Act in Schedule A.

12. Copies of the Revised Statutes purporting to be printed by the Queen's Printer shall be received as evidence of the Revised Statutes in all courts and places whatever without further proof of any kind.

Copies by Queen's Printer to be evidence.

13. The laws relating to the distribution of the printed copies of the statutes, and to the style of printing

Distribution and printing of Revised Statutes.

and binding of statutes, do not apply to the Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Governor in Council directs and shall be printed and bound in such style or form as the Commission deems best suited to the Revised Statutes.

Citation of
Revised
Statutes.

14. (1) A chapter of the Revised Statutes may be cited and referred to in any Act, proceeding, instrument or document whatever either by its short or long title as an Act or by using the expression "Revised Statutes, 19...., Chapter", or "Revised Statutes of Canada, 19...., Chapter", or "Chapter of the Revised Statutes", or the abbreviation "R.S.C. 19...., c.", or "R.S. c.", adding in each case the number of the particular chapter.

Supplement.

(2) The supplement to the Revised Statutes shall be deemed to be included in and to be part of the Revised Statutes, and the citation of any chapter of the Revised Statutes in accordance with subsection (1) shall be deemed to include any amendments thereto contained in the supplement.

Printing and
construction
of this Act.

15. This Act shall be printed with the Revised Statutes, and shall be subject to the same rules of construction as the Revised Statutes.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 49

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1966.

[Assented to 3rd April, 1965.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1966, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 1, 1965*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole seven hundred and sixty-two million, five hundred and forty-seven thousand, two hundred and forty-nine dollars and three cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1965 to the 31st day of March, 1966, not otherwise provided for, and being the aggregate of

\$762,547,249.03 granted for 1965-66.

(a) two-twelfths of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March,

- 1966, as laid before the House of Commons at the present session of Parliament.....\$730,438,474.00;
- (b) eight-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A\$8,344,666.67;
 - (c) five-twelfths of the amount of the item in the said Main Estimates set forth in Schedule B\$456,458.34;
 - (d) four-twelfths of the amount of the item in the said Main Estimates set forth in Schedule C\$533,333.34;
 - (e) three-twelfths of the amount of the item in the said Main Estimates set forth in Schedule D.....\$7,675,000.00;
 - (f) two-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule E.....\$7,314,783.34;
 - (g) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule F.....\$7,784,533.34.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Power to raise loan of \$1,000,000,000 for public works and general purposes.
R.S., c. 116.

5. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

(2) All borrowing powers that are authorized by section 5 of chapter 1 and by section 5 of chapter 30 of the statutes of 1964-65 and are outstanding and unused shall expire on the date of the coming into force of this Act.

Lapse of prior borrowing powers.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

Account to be rendered. R.S., c. 116.

SCHEDULE A.

Based on the Main Estimates, 1965-66. The amount hereby granted is \$8,344,666.67, being eight-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1966, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|-------------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS | | |
| | A-DEPARTMENT | | |
| 15 | Contributions to International Multilateral Economic and Special Aid Programs as detailed in the Estimates, including authority to pay such amounts as are specified in U.S. dollars notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1964, which is..... | | 12,517,000* |

* Net total \$8,344,666.67.

SCHEDULE B.

Based on the Main Estimates, 1965-66. The amount hereby granted is \$456,458.34, being five-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1966, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|------------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS | | |
| | A-DEPARTMENT | | |
| 20 | Other Payments to International Organizations and Programs, as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1964, which is..... | | 1,095,500* |

* Net total \$456,458.34.

SCHEDULE C.

Based on the Main Estimates, 1965-66. The amount hereby granted is \$533,333.34, being four-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1966, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|------------|
| | | \$ | \$ |
| | ATOMIC ENERGY | | |
| | ATOMIC ENERGY CONTROL BOARD | | |
| 5 | Grants for Researches and Investigations with respect to Atomic Energy..... | | 1,600,000* |

* Net total \$533,333.34.

SCHEDULE D.

Based on the Main Estimates, 1965-66. The amount hereby granted is \$7,675,000.00, being three-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1966, and the purposes for which it is granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|-------------|
| | | \$ | \$ |
| | NATIONAL RESEARCH COUNCIL | | |
| 10 | Scholarships and Grants in aid of research..... | | 30,700,000* |

* Net total \$7,675,000.00.

SCHEDULE E.

Based on the Main Estimates, 1965-66. The amount hereby granted is \$7,314,783.34, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1966, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | LEGISLATION | | |
| | HOUSE OF COMMONS | | |
| 20 | General Administration..... | 5,035,500 | |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | GEOLOGICAL RESEARCH | | |
| 25 | Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, Canada's fee for membership in the International Union of Geological Sciences and \$150,000 for grants in aid of Geological Research in Canadian Universities..... | 6,976,700 | |
| | SECRETARY OF STATE | | |
| | B—CENTENNIAL COMMISSION | | |
| 30 | Programs and Projects of National Significance including grants towards such Programs and Projects..... | 6,876,500 | |
| | TRANSPORT | | |
| | D—CANADIAN MARITIME COMMISSION | | |
| 95 | Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council..... | 25,000,000 | |
| | | | 43,888,700* |

* Net total \$7,314,783.34.

SCHEDULE F.

Based on the Main Estimates, 1965-66. The amount hereby granted is \$7,784,533.34, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1966, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| 5 | Representation Abroad—Operational—including authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff by the Governor in Council..... | 16,865,000 | |
| | JUSTICE | | |
| | LEGAL AND OTHER SERVICES | | |
| 1 | Administration including the Office of the Superintendent of Bankruptcy, grants and contributions as detailed in the Estimates, gratuities to the widows or such dependents as may be approved by Treasury Board of Judges who die while in office and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory..... | 2,504,300 | |
| | LEGISLATION | | |
| | THE SENATE | | |
| 5 | General Administration..... | 1,077,200 | |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING | | |
| 10 | Administration, Operation and Maintenance including purchases of air photography and the expenses of the Interdepartmental Committee on Air Surveys, authority to make recoverable advances not exceeding the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights and grants as detailed in the Estimates..... | 7,779,200 | |
| | MARINE SURVEYS AND RESEARCH | | |
| 15 | Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau..... | 7,771,000 | |

SCHEDULE F (Concluded)

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------------|
| | | \$ | \$ |
| | MINES AND TECHNICAL SURVEYS (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| | GEOGRAPHICAL SURVEYS AND RESEARCH | | |
| 45 | Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union, and grants as detailed in the Estimates..... | 758,000 | |
| | RESEARCH IN ASTRONOMY AND GEOPHYSICS | | |
| 50 | Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union, and grants as detailed in the Estimates..... | 2,433,800 | |
| | GENERAL | | |
| 60 | Polar Continental Shelf Project..... | 1,657,200 | |
| | NATIONAL REVENUE | | |
| | TAXATION | | |
| 5 | General Administration and District Offices..... | 46,278,100 | |
| | TRADE AND COMMERCE | | |
| | A—DEPARTMENT | | |
| | GENERAL ADMINISTRATION | | |
| 15 | Canadian Government Travel Bureau—To assist in promoting the Tourist Business in Canada including a grant of \$37,000 to the Canadian Tourist Association..... | 6,290,600 | |
| | | | 93,414,400* |

* Net total \$7,784,533.34.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 50

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1965.

[Assented to 3rd April, 1965.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1965, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that: Preamble.

1. This Act may be cited as the *Appropriation Act, No. 2, 1965*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole three hundred and forty-five million, seven hundred and eighty-one thousand, and forty-eight dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1964, to the 31st day of March, 1965, not otherwise provided for, and being the total of the amounts of the items set forth in the Schedule to this Act. \$345,781,048 granted for 1964-65.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied Purpose and effect of each item.

only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1964.

Commit-
ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Amounts
chargeable
to year
ending 31st
March, 1965.

5. Notwithstanding the provisions of the *Financial Administration Act*, the amounts appropriated by this Act may be paid at any time on or before the thirtieth day of April, one thousand nine hundred and sixty-five, and such payment shall be deemed to have been made in and be chargeable to the fiscal year ending the thirty-first day of March, one thousand nine hundred and sixty-five.

Account to
be rendered.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE.

Based on the Supplementary Estimates (D), 1964-65. The amount hereby granted is \$345,781,048, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1965, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | PRODUCTION AND MARKETING | | |
| | Administration | | |
| 15d | Administration, Operation and Maintenance..... | 215,000 | |
| 17d | Subsidies for Cold Storage Warehouses under the Cold Storage Act..... | 26,900 | |
| | Animal and Animal Products | | |
| 20d | Administration, Operation and Maintenance..... | 48,000 | |
| 25d | Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates..... | 110,650 | |
| | Plant and Plant Products | | |
| 35d | Grants, Contributions and Subsidies as detailed in the Estimates..... | 500,000 | |
| | HEALTH OF ANIMALS | | |
| 45d | Grants, Contributions and Subsidies as detailed in the Estimates..... | 21,711 | |
| | LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS | | |
| 55d | Irrigation and Water Storage Projects—To extend the purposes of Agriculture Vote 55 of the Main Estimates for 1964-65 to include Canada's fee for membership in the International Commission on Irrigation and Drainage, and a special contribution of 16,500 rupees to the International Commission on Irrigation and Drainage for construction of a central office building at New Delhi, India..... | 1 | |
| 60d | Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project, the Prairie Farm Rehabilitation Act Program, Land Protection, Reclamation and Development—Construction or Acquisition of Buildings, Works, Land and Equipment.... | 1,500,000 | |
| | SPECIAL | | |
| 70d | To deem a block of land that is eligible for an award under the Prairie Farm Assistance Act as though it were a complete township by virtue of paragraph (b) of section 6 thereof, to be an eligible township for purposes of paragraph (a) of section 6 thereof, and to ratify any award made in the current and previous fiscal years in respect of any land that would have been eligible land had this provision been applicable at the time of the making of the award..... | 1 | |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | AGRICULTURE (Continued) | | |
| | SPECIAL (Continued) | | |
| 75d | Estimated amount required to recoup the Prairie Farm Emergency Fund to cover the net operating loss for the fiscal year ending March 31, 1965..... | 367,000 | |
| 80d | Estimated amount required to recoup the Agricultural Commodities Stabilization Account to cover the net operating loss of the Agricultural Stabilization Board as at March 31, 1965..... | 57,118,000 | |
| 85d | Estimated amount required to recoup the Agricultural Products Board Account to cover the net operating loss recorded in the Account as at March 31, 1965..... | 300,000 | |
| 90d | Estimated amount required to provide for the operating loss of the Farm Credit Corporation for the fiscal year ending March 31, 1965..... | 1,540,000 | |
| 95d | Payment to the Farm Credit Corporation for carrying out the purposes of the Farm Machinery Syndicates Credit Act.... | 50,000 | 61,797,263 |
| | CITIZENSHIP AND IMMIGRATION | | |
| 1d | Departmental Administration..... | 24,500 | |
| | IMMIGRATION | | |
| 10d | Administration, Operation and Maintenance including Trans-Oceanic and Inland Transportation and other assistance for Immigrants and Settlers subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces, pursuant to agreements entered into, with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants..... | 418,000 | 442,500 |
| | CIVIL SERVICE COMMISSION | | |
| 1d | Salaries and Contingencies of the Commission..... | | 257,975 |
| | DEFENCE PRODUCTION | | |
| | B—CROWN COMPANIES | | |
| 40d | Canadian Arsenal Limited—Administration and Operation.... | | 437,000 |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT | | |
| 1d | Administration, Operation and Maintenance including grants as detailed in the Estimates—To extend the purposes of External Affairs Vote 1 of the Main Estimates for 1964-65 to provide, notwithstanding Article XI of the agreement set out in the Schedule to the Roosevelt Campobello International Park Commission Act, for the total cost of developing, operating and maintaining the Roosevelt Campobello International Park (one-half thereof recoverable from the United States Government) and to provide a further amount of..... | 726,350 | |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-----------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| 20d | Other Payments to International Organizations and Programs as detailed in the Estimates..... | 344,900 | |
| | EXTERNAL AID OFFICE | | |
| 33d | To authorize the establishment of a special account in the Consolidated Revenue Fund to which shall be credited: (a) the unexpended balance on March 31, 1965, set out in the sub-vote for International Development Assistance within External Affairs Vote 35 of the Main Estimates, 1964-65 (the amount so credited to be a charge to that Vote); and (b) the unexpended balance on March 31, 1965 in the Colombo Plan Fund established by Vote 566 of Appropriation Act No. 1, 1952-53 (the amount so credited to be a charge to that Fund); and notwithstanding section 35 of the Financial Administration Act, to provide for payment out of the said account in the subsequent fiscal years for economic, technical and educational assistance to developing countries, and for special administrative expenses in connection therewith including authority (c) to engage advisers or experts for service in the said developing countries in accordance with regulations prescribed by the Governor in Council; and (d) to provide educational and technical training for persons from the said countries in accordance with regulations prescribed by the Governor in Council | 1 | |
| 35d | Economic, technical, educational and other assistance as detailed in the Estimates..... | 7,000,000 | 8,071,251 |
| | FINANCE | | |
| | ADMINISTRATION | | |
| 1d | Departmental Administration—To extend the purposes of Finance Vote 1 of the Main Estimates, 1964-65 to include the Administration of the Canada Student Loans Act and to provide a further amount of..... | 280,000 | |
| | GOVERNMENT ADMINISTRATION | | |
| 10d | Grants to Municipalities in accordance with the Municipal Grants Act and Regulations made thereunder..... | 6,000,000 | |
| 16d | Government's contributions to the Superannuation Account, in the current and four subsequent fiscal years, as a result of the authorization of salary increases during the 1963-64 and 1964-65 fiscal years, each one of which was applicable to at least one-quarter of one per cent of the contributors under the Public Service Superannuation Act, in such amounts as, in the opinion of the Minister of Finance are necessary to provide in each of the current and four subsequent fiscal years for one-fifth of the cost to Her Majesty in right of Canada for the benefits payable under that Act, as a result of the said salary increases; estimated amount required for the 1964-65 fiscal year..... | 10,000,000 | |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|--|---------|------------|
| | | \$ | \$ |
| | FINANCE (Concluded) | | |
| | GOVERNMENT ADMINISTRATION (Concluded) | | |
| 19d | To authorize the payment out of the Superannuation Account, in the current and subsequent fiscal years, of interest in respect of contributions made under section 6 of the Public Service Superannuation Act to the Account that (a) have been on deposit in the Account for at least two years from the date of their receipt, and (b) cannot be applied for the purpose for which they were originally paid into the Account because the election pursuant to which they were made is void; such interest to be compounded and to be calculated and paid at such rate and in respect of such period as the Governor in Council may prescribe..... | 1 | |
| 22d | To authorize the Treasury Board to delete from the accounts certain debts due, and claims by, Her Majesty, each of which is in excess of \$1,000, amounting in the aggregate to \$1,117,485.77, of which \$451,991.49 represents forty-two items that have been carried as assets in the Statement of Assets and Liabilities..... | 451,992 | |
| 24d | To authorize the deletion from the Accounts of Canada of \$396,217,000 shown therein as the unamortized portion of the actuarial deficiency in the Public Service Superannuation Account and the charge of that amount to net debt as an adjustment in respect of prior years' transactions..... | 1 | |
| | COMPTROLLER OF THE TREASURY | | |
| 27d | To authorize the deletion from the accounts of Canada of the balance of the Cheque Adjustment Suspense Account representing the unadjusted balance resulting from the reconciliation of payments to the chartered banks for the redemption of paid cheques with the amount of card cheques issued prior to April 1, 1962, and paper cheques issued prior to January 1, 1964, and the charging of such balance to net debt as adjustments in respect of prior years' transactions; balance at March 31, 1965 estimated to be \$141,375.42..... | 1 | |
| | ROYAL CANADIAN MINT | | |
| 35d | Administration, Operation and Maintenance..... | 79,000 | 16,810,995 |
| | FISHERIES | | |
| | FISHERIES MANAGEMENT AND DEVELOPMENT | | |
| 15d | Grants, contributions and subsidies in the amounts and subject to the terms specified in the sub-Vote titles listed in the Details of the Estimates..... | 200,000 | |
| | SPECIAL | | |
| 17d | Estimated amount required to recoup the Fishing Vessel Indemnity Account and the Lobster Trap Indemnity Account established under Vote 540 of the Appropriation Act No. 5, 1955, and Vote 527 of the Appropriation Act No. 6, 1956, to cover the net operating losses in the said Accounts as at March 31, 1965..... | 81,000 | 231,000 |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | FORESTRY | | |
| 5d | Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates..... | 100,000 | |
| | GENERAL | | |
| 37d | Payment in respect of extra costs resulting from unloading the <i>S. S. Wheat King</i> at Quebec while en route to deliver grain at Halifax..... | 83,000 | 183,000 |
| | JUSTICE | | |
| | LEGAL AND OTHER SERVICES | | |
| 1d | Administration..... | | 27,000 |
| | LABOUR | | |
| | A—DEPARTMENT | | |
| 1d | General Administration, including grants as detailed in the Estimates..... | 219,000 | |
| 5d | Payments to carry out the purposes of the Vocational Rehabilitation of Disabled Persons Act and agreements made thereunder, including undischarged commitments under previous agreements; payments in accordance with terms and conditions approved by the Governor in Council to employers of 50% of monthly wage paid or \$75 per month, whichever is less, on behalf of each full-time worker 45 years of age or over engaged during the period November 1, 1963 to March 31, 1964, and who is otherwise eligible under the older worker employment and training incentive program—To authorize payment in the 1965-66 fiscal year of amounts, not exceeding in the aggregate the unspent balance remaining at the conclusion of the 1964-65 fiscal year in Labour Vote 5, Main Estimates, 1964-65, to meet undischarged commitments under the older worker employment and training incentive program that might otherwise have been paid pursuant to the appropriation based on the said Vote during the 1964-65 fiscal year if they had come in course of payment..... | 1 | |
| 15d | To carry out the purposes of the Technical and Vocational Training Assistance Act and Agreements made thereunder—Payments to the Provinces..... | 34,430,000 | 34,649,001 |
| | B—UNEMPLOYMENT INSURANCE COMMISSION | | |
| 30d | Administration of the Unemployment Insurance Act including the transfer of labour to places where employment is available and expenses incidental thereto in accordance with Regulations of the Governor in Council..... | | 320,000 |
| | LEGISLATION | | |
| | THE SENATE | | |
| 5d | General Administration..... | 107,600 | |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | LEGISLATION (Concluded) | | |
| | HOUSE OF COMMONS | | |
| 10d | Members of the House of Commons—Allowances in lieu of residence to the Speaker of the House of Commons, and in lieu of Apartments to the Deputy Speaker of the House of Commons; allowance to the Deputy Chairman of Committees..... | 2,000 | |
| 20d | General Administration..... | 640,000 | |
| | GENERAL | | |
| 27d | To authorize, during the current and subsequent fiscal years, payment of a gratuity in respect of the death of any member of the Senate or House of Commons subsequent to August 2, 1963, to the surviving spouse or the estate of the deceased member, in an amount equal to two months sessional indemnity and to ratify any such payments made during the 1963-64 fiscal year; estimated amount required for the 1964-65 fiscal year..... | 12,000 | 761,600 |
| | MINES AND TECHNICAL SURVEYS | | |
| | B—DOMINION COAL BOARD | | |
| 65d | Administration and Investigations of the Dominion Coal Board..... | 25,000 | |
| 70d | Payments in connection with the movements of coal under conditions prescribed by the Governor in Council..... | 7,035,000 | 7,060,000 |
| | NATIONAL DEFENCE | | |
| | CANADIAN ARMY | | |
| 20d | Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment..... | 7,000,000 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 55d | Civil Pensions as detailed in the Estimates..... | 279 | |
| 59d | To authorize the Governor in Council to prescribe in the case of a contributor under any enactment of the Parliament of Canada providing for the payment of pensions to members of the forces based on length of service who by reason of erroneous advice which he received from a member of the forces or a person employed in the Public Service whose normal duties included the giving of advice as to the counting of service under any such enactment, failed to elect in respect of service prior to becoming a contributor under such enactment within the time prescribed therein to pay for that service, the circumstances under which the contributor may elect to pay for that service and the terms and conditions (including conditions as to interest) upon which any such election shall be deemed to have been made by him under the applicable enactment within the time prescribed therefor by such enactment..... | 1 | 7,000,280 |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|------------|
| | | \$ | \$ |
| | NATIONAL HEALTH AND WELFARE | | |
| | ADMINISTRATION | | |
| 1d | Departmental Administration..... | 20,000 | |
| | HEALTH SERVICES | | |
| 5d | Administration, Operation and Maintenance including grants as detailed in the Estimates..... | 100,000 | |
| 10d | To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council..... | 4,500,000 | |
| 15d | To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council..... | 2,000,000 | |
| | WELFARE SERVICES | | |
| 40d | Administration, Operation and Maintenance..... | 112,500 | 6,732,500 |
| | NATIONAL REVENUE | | |
| | CENTRAL MORTGAGE AND HOUSING CORPORATION | | |
| 15d | To reimburse Central Mortgage and Housing Corporation, pursuant to Section 35 of the National Housing Act, 1954, for expenditures incurred during the period January 1, 1964 to December 31, 1964, for Housing Research and Community Planning as contemplated by Part V of the National Housing Act, 1954..... | 1,233,106 | |
| 20d | To reimburse Central Mortgage and Housing Corporation pursuant to Section 5(5) and Section 24(b) of the Central Mortgage and Housing Act for net losses resulting from the sale of mortgages from its portfolio during the calendar year 1964..... | 448,919 | |
| 25d | To reimburse Central Mortgage and Housing Corporation for losses sustained by it during the calendar year 1964 as a result of the operation of Public Housing Projects undertaken under Part VI of the National Housing Act, 1954.... | 1,478,014 | |
| 30d | To reimburse Central Mortgage and Housing Corporation for amounts loaned under Section 36H of the National Housing Act, 1954, to any Province, Municipality or Municipal Sewerage Corporation, and forgiven by the Corporation during the calendar year 1964, pursuant to Section 36G of the Act..... | 7,020,494 | |
| 35d | To reimburse Central Mortgage and Housing Corporation for grants charged to the Consolidated Revenue Fund as established by Section 23E of the National Housing Act, 1954 in respect of contributions made during the calendar year 1964, to any Province or Municipality for the preparation or implementation of an urban renewal scheme or pursuant to an urban redevelopment agreement..... | 4,219,436 | 14,399,969 |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|---|---------|---------|
| | | \$ | \$ |
| | NORTHERN AFFAIRS AND NATIONAL RESOURCES | | |
| | NATIONAL PARKS | | |
| 15d | Administration, Operation and Maintenance including grants and contributions as detailed in the Estimates..... | 1 | |
| 20d | Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Northern Affairs and National Resources Vote 20 of the Main Estimates for 1964-65 to include authority to make preliminary expenditures on the proposed new National Park in the area of Kejimikujik Lake in Nova Scotia..... | 1 | |
| | NORTHERN ADMINISTRATION | | |
| 45d | Administration, Operation and Maintenance including grants and contributions as detailed in the Estimates..... | 718,100 | |
| 55d | Reimbursement of the Northern Administration Branch Stores Account for the value of stores which have become obsolete or unserviceable..... | 53,439 | 771,541 |
| | POST OFFICE | | |
| 1d | Postal Services..... | | 328,700 |
| | PRIVY COUNCIL | | |
| | A—PRIVY COUNCIL | | |
| | PRIVY COUNCIL OFFICE | | |
| 10d | General Administration..... | 27,000 | |
| 15d | Expenses of the Royal Commissions listed in the Details of Estimates..... | 195,500 | 222,500 |
| | PUBLIC WORKS | | |
| | A—DEPARTMENT | | |
| | ACCOMMODATION SERVICES | | |
| 15d | Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates... | 1 | |
| | HARBOURS AND RIVERS ENGINEERING SERVICES | | |
| 30d | Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates..... | 1 | |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | PUBLICS WORKS (Concluded) | | |
| | B—NATIONAL CAPITAL COMMISSION | | |
| 60d | Operation and Maintenance, General Administration and interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region..... | | 318,000 |
| | C—CANADIAN CORPORATION FOR THE 1967 WORLD EXHIBITION | | |
| 70d | Towards Federal share of the cost of construction of an ice control structure..... | 1,825,000 | |
| 72d | Acquisition of land to be dealt with in accordance with the Agreement between Canada, the Province of Quebec and Montreal respecting the Canadian Universal and International Exhibition Montreal, 1967..... | 150,000 | 1,975,000 |
| | ROYAL CANADIAN MOUNTED POLICE | | |
| 1d | National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under Contract—Administration, Operation and Maintenance..... | 121,000 | |
| 5d | National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under Contract—Construction or Acquisition of Buildings, Works, Land and Equipment..... | 391,000 | |
| 7d | Reimbursement of Royal Canadian Mounted Police revolving fund for the value of cloth which has become obsolete, un-serviceable, lost or destroyed..... | 9,000 | 521,000 |
| | SECRETARY OF STATE | | |
| | A—DEPARTMENT | | |
| 1d | Departmental Administration including the expenses of the Committee on Broadcasting—To extend the purposes of Secretary of State Vote I of the Main Estimates, 1964-65 to include the expenses of the Committee on Election Expenses and the Committee on Feature Films and to provide a further amount of..... | 145,000 | |
| 5d | Companies and Corporations Branch..... | 9,400 | |
| 10d | Translation Bureau..... | 48,000 | |
| 15d | Patent Division, Copyright and Industrial Designs Division and Trade Marks Office..... | 32,800 | |
| | SPECIAL | | |
| 17d | Expenses pertaining to Royal Visit, 1964..... | 135,000 | |
| 18d | Special grant, within the meaning of section 20 of the Canada Council Act, to the Canada Council to be used for the general purposes set out in section 8 of the Act..... | 10,000,000 | 10,370,200 |
| | B—ATLANTIC DEVELOPMENT BOARD | | |
| 20d | Administration and Operation..... | | 160,000 |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|---------|
| | | \$ | \$ |
| | TRADE AND COMMERCE | | |
| | A—DEPARTMENT | | |
| | GENERAL ADMINISTRATION | | |
| 5d | Trade Commissioner Service—Administration, Operation and Maintenance..... | | 277,000 |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| 1d | Departmental Administration..... | 70,000 | |
| | MARINE SERVICES | | |
| 5d | Administration, Operation and Maintenance..... | 375,000 | |
| | RAILWAYS AND STEAMSHIPS | | |
| 15d | Payments to the Canadian National Railway Company (hereinafter called the "Company") upon applications approved by the Minister of Transport made by the Company to the Minister of Finance to be applied by the Company in payment of the deficits certified by the auditors of the Company arising in the operations in the calendar year 1964 in respect of the following services: Newfoundland Ferry and Terminals; Prince Edward Island Car Ferry and Terminals; Yarmouth, N.S.—Bar Harbor, Maine, U.S.A. Ferry Service..... | 2,293,000 | |
| 20d | Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects.. | 1 | |
| 27d | Canadian National Railways Deficit, 1964—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the "Company") upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, and to be applied by the Company in payment of the system deficit (certified by the auditors of the Company) arising in the calendar year 1964, subject to recovery therefrom of accountable advances made to the Company from the Consolidated Revenue Fund..... | 38,726,000 | |
| | AIR SERVICES | | |
| | Civil Aviation | | |
| 45d | Contributions to assist in the establishment or improvement of local airports and related facilities..... | 50,000 | |
| | Telecommunications and Electronics | | |
| 55d | Construction or Acquisition of Buildings, Works, Land and Equipment..... | 1,700,000 | |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|---|---------|------------|
| | | \$ | \$ |
| | TRANSPORT (Concluded) | | |
| | A—DEPARTMENT (Concluded) | | |
| | GENERAL | | |
| 73d | To provide that Section 115 of the Civil Service Regulations shall apply to any person notwithstanding that he was not employed in the Civil Service on the date that the Regulation was made (a) who ceased to be employed in the Civil Service at any time during the period commencing on the first day of April, 1962 and ending on the 28th day of February, 1964 and (b) who immediately prior to becoming employed in the Civil Service was employed by Canadian Marconi Corporation..... | 1 | |
| 74d | Reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete, un-serviceable, lost or destroyed..... | 98,800 | 43,312,802 |
| | D—CANADIAN MARITIME COMMISSION | | |
| 85d | Administration of the Commission—To extend the purposes of Transport Vote 85 of the Main Estimates, 1964-65 to include federal assistance towards the costs of ice breaking in the Miramichi River, N.B..... | 75,000 | |
| 90d | Steamship Subventions for Coastal Services as detailed in the Estimates..... | 1 | 75,001 |
| | F—ST. LAWRENCE SEAWAY AUTHORITY | | |
| 107d | Payment as of January 1, 1965 to the St. Lawrence Seaway Authority, upon application, approved by the Minister of Transport, made by the Authority to the Minister of Finance, to reimburse the Authority in respect of the accumulated Welland Canal deficit incurred by the Authority for the calendar years 1959-1964..... | | 27,092,866 |
| | VETERANS AFFAIRS | | |
| | TREATMENT SERVICES | | |
| 30d | Operation and Maintenance..... | 925,000 | |
| | SOLDIER SETTLEMENT AND VETERANS' LAND ACT | | |
| 50d | Reduction of indebtedness to the Director of Soldier Settlement of a settler in respect of a property in his possession, the title of which is held by the Director, or such Soldier Settler Loans which are administered by the Indian Affairs Branch of the Department of Citizenship and Immigration, by an amount which will reduce his indebtedness to an amount in keeping with the productive capacity of the property or his ability to repay his indebtedness under regulations approved by the Governor in Council..... | 100 | 925,100 |

SCHEDULE (Continued)

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | LABOUR | | |
| | B—UNEMPLOYMENT INSURANCE COMMISSION | | |
| L19d | To authorize the Minister of Finance, notwithstanding the Unemployment Insurance Act, to credit in subsequent fiscal years, on such terms and conditions as the Governor in Council may determine, to the Unemployment Insurance Fund such sums as may from time to time be required by the said Fund; the aggregate of the sums outstanding at any one time not to exceed..... | 50,000,000 | |
| | NATIONAL HEALTH AND WELFARE | | |
| L60d | To authorize (a) expenditures after the date of enactment of the Act entitled the Canada Pension Plan in that and subsequent fiscal years that are required for the establishment of the Canada Pension Plan; and (b) the reimbursement from the Canada Pension Plan Account during the fiscal year in which the Plan is established or any subsequent fiscal year (i) of expenditures incurred pursuant to paragraph (a), and (ii) subject to the approval of the Treasury Board, of expenditures directly related to the establishment of the Plan incurred by government departments during the current or any previous or subsequent fiscal year..... | 1 | |
| | NATIONAL REVENUE | | |
| | Central Mortgage and Housing Corporation | | |
| L21d | Advances charged to the special account in the Consolidated Revenue Fund established by subsection (4) of Section 35A of the National Housing Act, 1954, in respect of housing and land development projects undertaken jointly with the Governments of Provinces during the calendar year 1964. | 8,500,000 | |
| L22d | Advances charged to the special account in the Consolidated Revenue Fund established by subsection 2 of Section 36H of the National Housing Act, 1954, in respect of loans to any Province, Municipality or Municipal Sewerage Corporation, for construction or expansion of municipal sewage treatment projects during the calendar year 1964..... | 28,500,000 | |
| | TRADE AND COMMERCE | | |
| L37d | To amend Vote L37a in Supplementary Estimates (A), 1964-65, to provide in subsequent fiscal years for stockpiling costs of uranium concentrates acquired pursuant to the contracts described in the said Vote..... | 1 | |

SCHEDULE (Concluded)

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES (Concluded) | | |
| | TRANSPORT | | |
| | St. Lawrence Seaway Authority | | |
| L47d | To authorize, upon application approved by the Minister of Transport, made by the St. Lawrence Seaway Authority to the Minister of Finance, (a) the conversion as of January 1, 1965 of \$21,800,000 of indebtedness by the Authority to Her Majesty to an interest free loan repayable on such terms and conditions as may be determined by the Minister of Finance, which represents the principal owing to Her Majesty as of January 1, 1965, in respect of certain loans made by the Minister of Finance to the Authority pursuant to Section 25 of the St. Lawrence Seaway Authority Act and (b) loans to the St. Lawrence Seaway Authority in the amount of \$13,200,000 in such manner and subject to such terms and conditions as the Governor in Council may approve..... | 13,200,000 | 100,200,002 |
| | | | 345,781,048 |

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 51

An Act to establish a comprehensive program of old age pensions and supplementary benefits in Canada payable to and in respect of contributors.

[Assented to 3rd April, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

- 1.** This Act may be cited as the *Canada Pension Plan*. Short title

INTERPRETATION.

- 2.** (1) In this Act,
- | | | |
|-----|--|---|
| (a) | "applicant" means, in Part II, a person who has applied for a benefit; | Definitions. "Applicant." |
| (b) | "average monthly pensionable earnings" of a person means an amount calculated in accordance with section 47 or 48; | "Average monthly pensionable earnings." |
| (c) | "basic exemption" of a person for a year means an amount calculated in accordance with section 18; | "Basic exemption." |
| (d) | "beneficiary" means a person to whom a benefit has become payable; | "Beneficiary." |
| (e) | "benefit" means a benefit payable under this Act and includes a pension; | "Benefit" |
| (f) | "business" includes a profession, calling, trade, manufacture or undertaking of any kind whatever, and includes an adventure or concern in the nature of trade but does not include an office or employment; | "Business." |
| (g) | "contribution" means a contribution under this Act; | "Contribution." |

"Contributor."

(h) "contributor" means a person who has made an employee's contribution or a contribution in respect of his self-employed earnings, and includes a person the amount of whose earnings on which a contribution has been made for a year under this Act calculated as provided in subparagraph (i) of paragraph (b) of section 53 exceeds zero;

"Contributory period."

(i) "contributory period" of a contributor has the meaning assigned by section 49;

"Contributory salary and wages."

(j) "contributory salary and wages" of a person for a year means an amount calculated in accordance with section 11;

"Contributory self-employed earnings."

(k) "contributory self-employed earnings" of a person for a year means an amount calculated in accordance with section 12;

"Deduct."

(l) "deduct" includes withhold;

"Disabled."

(m) "disabled" has the meaning assigned by section 43;

"Earnings Index."

(n) "Earnings Index" has the meaning assigned by section 21;

"Employee."

(o) "employee" includes an officer;

"Employer."

(p) "employer" means a person liable to pay salary, wages or other remuneration for services performed in employment, and in relation to an officer includes the person from whom the officer receives his remuneration;

"Employment."

(q) "employment" means the performance of services under an express or implied contract of service or apprenticeship, and includes the tenure of an office;

"Excepted employment."

(r) "excepted employment" means employment specified in subsection (2) of section 6;

"Maximum contributory earnings."

(s) "maximum contributory earnings" of a person for a year has the meaning assigned by section 15;

"Maximum pensionable earnings."

(t) "maximum pensionable earnings" of a person for a year has the meaning assigned by section 16;

"Office."
"officer."

(u) "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a Lieutenant Governor, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly or a member of a legislative or executive council and any other office the incumbent of which is elected by popular vote or is elected or ap-

- pointed in a representative capacity, and also includes the position of a corporation director, and "officer" means a person holding such an office;
- (v) "pension" means a pension payable under this Act; "Pension."
- (w) "Pension Appeals Board" means the Pension Appeals Board established under section 85; "Pension Appeals Board."
- (x) "Pension Index" has the meaning assigned by section 20; "Pension Index."
- (y) "pensionable employment" means employment specified in subsection (1) of section 6; "Pensionable employment."
- (z) "prescribed", in the case of a form, means prescribed by order of the Minister having the control and direction of the administration of the Part of this Act to which the context extends, and in any other case means prescribed by regulation; "Prescribed."
- (aa) "Record of Earnings" means the Record of Earnings established under section 97; "Record of Earnings."
- (bb) "regulation" means a regulation made by the Governor in Council under this Act; "Regulation."
- (cc) "Review Committee" means a Review Committee established under section 84; "Review Committee."
- (dd) "salary and wages on which a contribution has been made" for a year means an amount calculated in accordance with section 14; "Salary and wages on which a contribution has been made."
- (ee) "self-employed earnings" of a person for a year means an amount calculated in accordance with section 13; "Self-employed earnings."
- (ff) "Social Insurance Number" means a Social Insurance Number assigned to an individual under section 100 or under the authority of any other Act of Parliament, and "Social Insurance Number Card" means a Social Insurance Number Card issued to an individual under that section or under such authority; "Social Insurance Number", "Social Insurance Number Card."
- (gg) "total pensionable earnings" of a contributor means an amount calculated in accordance with section 50; "Total pensionable earnings."
- (hh) "total pensionable earnings of a contributor attributable to contributions made under this Act" means an amount calculated in accordance with section 81; "Total pensionable earnings of a contributor attributable to contributions made under this Act."
- (ii) "unadjusted pensionable earnings" of a contributor for a year means an amount calculated in accordance with section 53; "Unadjusted pensionable earnings."
- (jj) "year" means a calendar year; "Year."

"Year's
Basic
Exemption."

"Year's
Maximum
Pensionable
Earnings."

When
specified age
deemed to
be reached.

(kk) "Year's Basic Exemption" has the meaning assigned by section 19; and

(ll) "Year's Maximum Pensionable Earnings" has the meaning assigned by section 17.

(2) For the purposes of any provision of this Act in which reference is made to a person reaching a specified age, that person shall be deemed to have reached the specified age at the beginning of the calendar month following the calendar month in which he actually reached that age, and in computing

(a) any period of months ending with the time when he reached a specified age, the calendar month in which he actually reached that age shall be included, and

(b) any period of months commencing with the time when he reached a specified age, the calendar month in which he actually reached that age shall not be included.

APPLICATION AND OPERATION OF ACT.

Definitions.

"Province
providing
a compre-
hensive
pension
plan."

3.

(1) In this Act,
(a) "province providing a comprehensive pension plan" means a province prescribed by a regulation made on the recommendation of the Minister of National Health and Welfare for the purposes of this Act as a province

(i) the government of which has, on or before the 30th day after this Act was assented to, signified the intention of such province to provide for the establishment and operation in that province, in lieu of the operation therein of this Act, of a plan of old age pensions and supplementary benefits providing for the making of contributions thereunder commencing with the year 1966 and providing for the payment of benefits thereunder comparable to those provided by this Act, or

(ii) the government of which has, at any time after the 30th day after this Act was assented to, given notice in writing to the Minister of National Health and Welfare of the intention of such province to provide
(A) for the establishment and operation in that province, in lieu of the operation therein of this Act, of a plan of old age pensions and supplementary

benefits providing for the making of contributions thereunder commencing with the 3rd year following the year in which such notice was given and providing for the payment of benefits thereunder comparable to those then provided by this Act or by any provincial pension plan other than that plan, and

(B) for the assumption under that plan of all obligations and liabilities accrued or accruing to the 1st day of that 3rd year with respect to the payment of benefits under this Act attributable to contributions made under this Act in respect of employment in that province or in respect of self-employed earnings of persons resident in that province; and

(b) "provincial pension plan" means a plan of old age pensions and supplementary benefits, for the establishment and operation of which provision has been made as described in subparagraph (i) or (ii) of paragraph (a) under a law of a province providing a comprehensive pension plan. "Provincial pension plan."

(2) Notwithstanding anything in subsection (1), where, not later than 12 months before the 1st day of the 3rd year following the year in which notice in writing as described in subparagraph (ii) of paragraph (a) of subsection (1) was given to the Minister of National Health and Welfare by the government of a province, the legislature of the province has provided by law for the establishment and operation in that province of a plan of old age pensions and supplementary benefits as described in that subparagraph and for the assumption under that plan of all obligations and liabilities accrued or accruing as described in that subparagraph, the Governor in Council shall, by regulation made on the recommendation of the Minister of National Health and Welfare for the purposes of this Act, prescribe that province as a province described in subparagraph (ii) of paragraph (a) of subsection (1). Prescription of province after notice given.

(3) Any regulation made pursuant to subsection (2) shall become effective on the 1st day of the 3rd year following the year in which the notice referred to in that subsection was given to the Minister of National Health and Welfare. Effective date of prescription.

Provisions of Act not applicable in respect of province providing comprehensive pension plan.

4. (1) Notwithstanding anything in this Act, except as provided in subsection (2),

- (a) the provisions of this Act with respect to the making of contributions by employees and employers in respect of pensionable employment and the provisions of Part III with respect to employees in pensionable employment do not apply in relation to employment in a province providing a comprehensive pension plan; and
- (b) the provisions of this Act with respect to the making of contributions by persons for any year in respect of self-employed earnings do not apply in relation to persons who on the last day of that year were resident in a province providing a comprehensive pension plan.

Exception.

(2) Subject to subsection (3), all of the provisions of this Act apply to

- (a) employment by Her Majesty in right of Canada or by an agent of Her Majesty in right of Canada in a province providing a comprehensive pension plan, and
- (b) any employment in a province providing a comprehensive pension plan if and to the extent that the establishment and operation of the plan referred to in subparagraph (i) or (ii), as the case may be, of paragraph (a) of subsection (1) of section 3 in relation to persons employed in such employment is outside the legislative authority of the legislature of that province;

as though that employment were employment in a province other than a province providing a comprehensive pension plan.

Agreement with government of province providing comprehensive pension plan.

(3) The Minister of National Health and Welfare, with the approval of the Governor in Council, may on behalf of the Government of Canada enter into an agreement with the government of a province providing a comprehensive pension plan whereby, in accordance with such terms and conditions as may be set forth in such agreement, any persons employed in employment described in subsection (2), and any employers of any persons employed in such employment, with respect to any such persons so employed, shall be subject to the provisions of the provincial pension plan of that province in all respects as though the establishment and operation of that plan in relation to any such persons so employed were within the legislative authority of the legislature of that province, and with respect to any period while any such

agreement continues in force, such agreement shall have the force of law according to the provisions thereof.

(4) For the purposes of this Act, a person shall be deemed to be employed in the province in which the establishment of his employer to which he reports for work is situated, and where the employee is not required to report for work at any establishment of his employer he shall be deemed to be employed in the province in which the establishment of his employer from which his remuneration is paid is situated.

Province in which person deemed employed.

(5) A reference in paragraph (b) of subsection (1) to the last day of a year shall, in the case of a person who resided in Canada at any time in that year but ceased to reside in Canada before the last day thereof, be deemed to be a reference to the last day in that year on which he resided in Canada.

Reference to last day of year.

PART I.

CONTRIBUTIONS.

5. In this Part, "Minister" means the Minister of National Revenue.

"Minister" defined.

DIVISION A: CONTRIBUTIONS PAYABLE.

Pensionable Employment.

- 6.** (1) Pensionable employment is
- (a) employment in Canada that is not excepted employment;
 - (b) employment in Canada under Her Majesty in right of Canada that is not excepted employment; or
 - (c) employment included in pensionable employment by regulation under section 7.
- (2) Excepted employment is
- (a) employment in agriculture or an agricultural enterprise, horticulture, fishing, hunting, trapping, forestry, logging or lumbering by an employer who either pays the employee less than \$250 in cash remuneration in a year or employs the employee, on terms providing for payment of cash remuneration, for a period of less than 25 working days in a year;
 - (b) employment of a casual nature otherwise than for the purpose of the employer's trade or business;

Pensionable employment defined.

Excepted employment defined.

- (c) employment as a teacher on exchange from a country other than Canada;
- (d) employment of a person by his spouse;
- (e) employment of a member of a religious order who has taken a vow of perpetual poverty and whose remuneration is paid either directly or by him to the order;
- (f) employment for which no cash remuneration is paid where the person employed is the child of, or is maintained by, the employer;
- (g) employment as a member of the Canadian Forces or the Royal Canadian Mounted Police, except as provided by any other Act of the Parliament of Canada;
- (h) employment in Canada by an employer who employs persons in Canada but under the terms of a reciprocal agreement between the Government of Canada and the government of another country is exempt from liability to make the contribution imposed on an employer by this Act;
- (i) employment by Her Majesty in right of a province or by an agent of Her Majesty in right of a province;
- (j) employment in Canada by the government of a country other than Canada or by an international organization; or
- (k) any employment excepted from pensionable employment by regulation under section 7.

Regulations
respecting
employment
to be
included in
pensionable
employment.

7. (1) The Governor in Council may make regulations for including in pensionable employment

- (a) any employment outside Canada or partly outside Canada, being employment that would be pensionable employment if it were in Canada;
- (b) the entire employment under one employer of a person who is engaged by the employer partly in pensionable employment and partly in other employment;
- (c) any employment if it appears to the Governor in Council that the nature of the work performed is similar to the work performed by persons employed in pensionable employment;
- (d) the performance of services for remuneration if it appears to the Governor in Council that the terms or conditions on which the services are performed and the remuneration is paid

are analogous to a contract of service, whether or not they constitute a contract of service;

- (e) pursuant to an agreement with the government of a province, employment in Canada by Her Majesty in right of the province or by an agent of Her Majesty in right of the province;
- (f) pursuant to an agreement with the employing government or organization, employment in Canada by the government of a country other than Canada or by an international organization; and
- (g) any excepted employment other than employment described in paragraph (g), (i) or (j) of subsection (2) of section 6.

(2) The Governor in Council may make regulations for excepting from pensionable employment

Regulations respecting employment to be excepted from pensionable employment.

- (a) any employment if it appears to the Governor in Council by reason of the laws of any country other than Canada that a duplication of contributions or benefits will result;
- (b) any employment of a person by an employer resident outside Canada unless arrangements satisfactory to the Minister have been made for the payment of the contributions required by this Act to be made in respect of that employment;
- (c) the entire employment under one employer of a person who is engaged by the employer partly in pensionable employment and partly in other employment;
- (d) any employment if it appears to the Governor in Council that the nature of the work performed by persons employed in that employment is similar to the nature of the work performed by persons employed in employment that is not pensionable employment;
- (e) any employment if it appears to the Governor in Council that the services are performed and the remuneration is paid in a manner analogous to the earning of income from the carrying on of a business; and
- (f) any employment in which persons are ordinarily employed to an inconsiderable extent.

(3) A regulation made under subsection (1) or (2) may be conditional or unconditional, qualified or unqualified, and may be general or restricted to a specific area, a person or a group or class of persons, and the authority conferred by subsection (1) to make regulations to include in pensionable employment any employment described

Extent of authority to make regulations.

in that subsection includes authority to make such other regulations to provide for the manner in which the provisions of this Act shall apply with respect thereto, and to adapt the provisions of this Act with respect thereto, as appear to the Governor in Council to be necessary to give effect to the regulations made under that subsection.

Contributions by Employees and Employers in respect of Pensionable Employment.

Amount of
employee's
contri-
bution.

8. (1) Commencing with the year 1966, every employee who is employed by an employer in pensionable employment during a year shall, by deduction as provided in this Act from the remuneration paid to him by such employer, make an employee's contribution for the year of an amount equal to 1.8% of

- (a) his contributory salary and wages for the year paid by such employer, minus such amount as or on account of his basic exemption for the year as is prescribed, or
- (b) his maximum contributory earnings for the year, minus such amount, if any, as is determined in prescribed manner to be his salary and wages paid by such employer on which a contribution has been made for the year by the employee under a provincial pension plan,

whichever is the lesser.

Amount of
over-
payment.

(2) Where the aggregate of all amounts deducted as required from the remuneration of an employee for a year whether by one or more employers on account of the employee's contribution for the year under this Act or under a provincial pension plan exceeds an amount equal to 1.8% of

- (a) his contributory salary and wages for the year, plus his contributory self-employed earnings for the year in the case of an individual described in section 10, minus his basic exemption for the year, or
- (b) his maximum contributory earnings for the year,

whichever is the lesser, that proportion of the amount of the excess that the aggregate of all amounts so deducted on account of the employee's contribution for the year under this Act is of the aggregate of all amounts so deducted on account of the employee's contribution for the year under this Act or under a provincial pension plan shall be deemed to be an overpayment made by the employee on account of the employee's contribution for that year under this Act.

9. Commencing with the year 1966, every employer shall, with respect to each employee employed by him in pensionable employment during a year, make an employer's contribution for the year of an amount equal to 1.8% of

Amount of employer's contribution.

- (a) the contributory salary and wages of the employee for the year paid by the employer, minus such amount as or on account of the employee's basic exemption for the year as is prescribed, or
- (b) the maximum contributory earnings of the employee for the year, minus such amount, if any, as is determined in prescribed manner to be the salary and wages of the employee on which a contribution has been made for the year by the employer with respect to the employee under a provincial pension plan,

whichever is the lesser.

*Contributions by Persons in respect of
Self-Employed Earnings.*

10. (1) Commencing with the year 1966, every individual who is resident in Canada for the purposes of the *Income Tax Act* during the year, and whose contributory self-employed earnings for the year when added to his contributory salary and wages, if any, for the year, or whose contributory salary and wages for the year if he has made an election under subsection (3) of section 12, are equal to or greater than an amount calculated as provided in subsection (2) for the year, shall make a contribution for the year of an amount equal to 3.6% of

Amount of contribution in respect of self-employed earnings.

- (a) his contributory self-employed earnings for the year, minus the amount by which his basic exemption for the year exceeds the aggregate of
 - (i) all amounts deducted as prescribed on account of his basic exemption for the year whether by one or more employers pursuant to section 8, and
 - (ii) all amounts deducted as prescribed by or under a provincial pension plan on account of any like exemption for the year whether by one or more employers pursuant to that plan, or
- (b) his maximum contributory earnings for the year, minus his salary and wages, if any, on which a contribution has been made for the year and such amount, if any, as is determined in prescribed manner to be his salary and wages

on which a contribution has been made for the year by him under a provincial pension plan, whichever is the lesser.

Calculation of minimum amount on which contribution payable.

(2) For the purposes of subsection (1) the amount to be calculated as provided in this subsection for a year in the case of any individual is that proportion of

- (a) an amount calculated as $1\frac{1}{3}$ times the Year's Basic Exemption for that year, if that amount is a multiple of \$100, or
- (b) if the amount calculated in accordance with paragraph (a) is not a multiple of \$100, the amount that is the next multiple of \$100 below that amount,

that his basic exemption for the year is of the Year's Basic Exemption for that year.

DIVISION B: CALCULATION OF CONTRIBUTIONS.

Contributory Salary and Wages.

Amount of contributory salary and wages.

11. (1) The amount of the contributory salary and wages of a person for a year is his income for the year from pensionable employment, computed in accordance with the *Income Tax Act*, plus any deductions for the year made in computing that income otherwise than under paragraph (g) of subsection (1) of section 11 of that Act, but does not include any such income received by him

- (a) before he reaches 18 years of age,
- (b) during any month for which a disability pension is payable to him under this Act or under a provincial pension plan, or
- (c) after he reaches 70 years of age or dies or after a retirement pension becomes payable to him under this Act or under a provincial pension plan.

Remuneration paid in respect of employment in province.

(2) A reference in this Act to the contributory salary and wages of a person for a year shall, in relation to any remuneration paid to him in respect of pensionable employment in a province providing a comprehensive pension plan, be construed as a reference to his income for the year from that employment as such income is required to be computed under the provincial pension plan of that province.

Contributory Self-Employed Earnings.

Amount of contributory self-employed earnings.

12. (1) The amount of the contributory self-employed earnings of a person for a year is the amount of

his self-employed earnings for the year except that, for a year in which he reaches 18 or 70 years of age or dies, or in which a retirement pension becomes payable or a disability pension becomes or ceases to be payable to him under this Act or under a provincial pension plan, the amount of his contributory self-employed earnings is an amount equal to that proportion of the amount of his self-employed earnings for the year that the number of months in the year after he reaches 18 years of age or after such disability pension ceases to be payable, as the case may be, or before he reaches 70 years of age or dies or before such retirement pension or disability pension becomes payable, as the case may be, is of 12.

(2) Subject to subsection (1), the contributory self-employed earnings of a person do not include earnings with respect to any period described in paragraph (a), (b) or (c) of subsection (1) of section 11. Idem.

(3) Notwithstanding subsection (1), the amount of the contributory self-employed earnings of a person for a year for the purposes of paragraph (a) of subsection (1) of section 10 shall, if he so elects on or before April 30 in the following year, include any amount by which Election where over-deduction made on account of basic exemption.

(a) the lesser of

- (i) his contributory salary and wages for the year minus his basic exemption for the year, or
- (ii) his maximum contributory earnings for the year,

exceeds

- (b) his salary and wages on which a contribution has been made for the year and such amount, if any, as is determined in prescribed manner to be his salary and wages on which a contribution has been made for the year by him under a provincial pension plan.

(4) A reference in this Act to the contributory self-employed earnings of a person for a year shall, in relation to any self-employed earnings of a person who was resident on the last day of the year in a province providing a comprehensive pension plan, be construed as a reference to his self-employed earnings for the year as such earnings are required to be computed under the provincial pension plan of that province.

Self-employed earnings where resident in province.

13. The amount of the self-employed earnings of a person for a year is the aggregate of

(a) an amount equal to

- (i) his income for the year from all businesses (other than a business more than 50% of

Amount of self-employed earnings for a year.

the gross revenue of which consisted of rent from land or buildings) carried on by him,

minus

- (ii) all losses sustained by him in the year in carrying on such businesses, as such income and losses are computed under the *Income Tax Act*, except any such income or losses from the performance of services described in paragraph (d) of subsection (1) of section 7 that has been included in pensionable employment by regulation under subsection (1) of that section or by regulation under a provincial pension plan; and
- (b) his income for the year from employment described in paragraph (e) of subsection (2) of section 7 that has been excepted from pensionable employment by regulation under subsection (2) of that section or by regulation under a provincial pension plan, as such income is computed under the *Income Tax Act*.

Salary and Wages on which Contribution made.

Amount of salary and wages on which contribution made for a year.

14. (1) The amount of the salary and wages of a person on which a contribution has been made for a year is an amount equal to

- (a) the aggregate of all amounts deducted as required from the remuneration of that person on account of the employee's contribution for the year under this Act, minus the amount of any refund made to him under section 39 in respect of any amounts so deducted on account thereof, or such part of the amount of any refund in respect thereof made to him as described in section 40 as might have been made to him under subsection (1) of section 39 if no agreement had been entered into under subsection (1) of section 40, and
- (b) where an employer has failed to deduct an amount as required from the remuneration of that person on account of the employee's contribution for the year under this Act and that person has notified the Minister of the employer's failure so to deduct that amount on or before April 30 in the following year, an amount equal to the amount that should have been so deducted by the employer on account thereof,

multiplied by 100 and divided by 1.8.

(2) For the purposes of subsection (2) of section 8 and this section, where an amount that an employer has failed to deduct as required from the remuneration of an employee on account of the employee's contribution for a year under this Act is paid by the employer on account of the employee's contribution for that year under this Act, the amount so paid shall be deemed to have been deducted by the employer on account of such contribution.

Effect of payment by employer of amount not deducted as required.

(3) Where an employer has filed a return pursuant to this Part showing an amount as the salary and wages on which a contribution has been made by an employee for a year under this Act, the amount so shown, multiplied by 1.8 and divided by 100, may, in prescribed circumstances, be substituted for the amount shown therein as the aggregate of the amounts deducted by that employer on account of the employee's contribution for the year under this Act, in calculating the amount to be determined under subsection (1).

Special rule applicable in prescribed circumstances.

Maximum Contributory Earnings.

15. The amount of the maximum contributory earnings of a person for a year is

Amount of maximum contributory earnings for a year.

(a) the amount of his maximum pensionable earnings for the year,

minus

(b) the amount of his basic exemption for the year.

Maximum Pensionable Earnings.

16. The amount of the maximum pensionable earnings of a person for a year is the amount of the Year's Maximum Pensionable Earnings except that, for a year in which he reaches 18 or 70 years of age or dies, or in which a retirement pension becomes payable or a disability pension becomes or ceases to be payable to him under this Act or under a provincial pension plan, the amount of his maximum pensionable earnings is an amount equal to that proportion of the amount of the Year's Maximum Pensionable Earnings that the number of months in the year after he reaches 18 years of age or after such disability pension ceases to be payable, as the case may be, or before he reaches 70 years of age or dies or before such retirement or disability pension becomes payable, as the case may be, is of 12.

Amount of maximum pensionable earnings.

Year's Maximum Pensionable Earnings.

17. The amount of a Year's Maximum Pensionable Earnings is

Amount of Year's Maximum Pensionable Earnings.

(a)

- (a) for each of the years 1966 and 1967, \$5,000;
- (b) for each of the years 1968 to 1975 inclusive,
 - (i) an amount calculated by multiplying \$5,000 by the ratio that the Pension Index for the year bears to the Pension Index for the year 1967, if that amount is a multiple of \$100, or
 - (ii) if the amount calculated in accordance with subparagraph (i) is not a multiple of \$100, the amount that is the next multiple of \$100 below that amount; and
- (c) for the year 1976 and each following year,
 - (i) an amount calculated by multiplying the Year's Maximum Pensionable Earnings for the year 1975 by the Earnings Index for the year, if that amount is a multiple of \$100, or
 - (ii) if the amount calculated in accordance with subparagraph (i) is not a multiple of \$100, the amount that is the next multiple of \$100 below that amount, but if that amount is less than the Year's Maximum Pensionable Earnings for the preceding year then it shall be taken to be the next multiple of \$100 above that amount.

Basic Exemption.

Amount of
basic
exemption.

18. The amount of the basic exemption of a person for a year is the amount of the Year's Basic Exemption except that, for a year in which he reaches 18 or 70 years of age or dies, or in which a retirement pension becomes payable or a disability pension becomes or ceases to be payable to him under this Act or under a provincial pension plan, the amount of his basic exemption is an amount equal to that proportion of the amount of the Year's Basic Exemption that the number of months in the year after he reaches 18 years of age or after such disability pension ceases to be payable, as the case may be, or before he reaches 70 years of age or dies or before such retirement or disability pension becomes payable, as the case may be, is of 12.

Year's Basic Exemption.

Amount of
Year's Basic
Exemption.

- 19.**
- (a) The amount of a Year's Basic Exemption is an amount calculated as 12% of the Year's Maximum Pensionable Earnings for that year, if that amount is a multiple of \$100, or

- (b) if the amount calculated in accordance with paragraph (a) is not a multiple of \$100, the amount that is the next multiple of \$100 below that amount.

Pension Index.

20. (1) The Pension Index for the year 1967 is the average of the Consumer Price Index for Canada, as published by the Dominion Bureau of Statistics under the authority of the *Statistics Act*, for each month in the twelve months' period ending June 30, 1966.

Pension Index for year 1967.

(2) Subject to subsection (3), the Pension Index for the year 1968 and each following year shall be calculated in prescribed manner as the average of the Consumer Price Index referred to in subsection (1) for each month in the twelve months' period ending June 30 in the preceding year, or 1.02 times the Pension Index for the preceding year, whichever is the lesser.

Pension Index for subsequent years.

(3) For any year for which the calculation required by subsection (2) yields a Pension Index that is less than 1.01 times the Pension Index for the preceding year, the Pension Index shall be taken to be the Pension Index for the preceding year.

Exception.

(4) Whenever the Consumer Price Index for Canada is revised to a new time basis with a resulting percentage adjustment being made in the figures for such Index, a corresponding percentage adjustment shall be made in all values then existing of the Pension Index.

Adjustment of Index.

Earnings Index.

21. (1) The Earnings Index for a year is the ratio that employees' average earnings for that year bear to employees' average earnings for the base period.

Earnings Index for a year.

(2) Employees' average earnings for the base period are the average of employees' actual average earnings for each of the years 1966 to 1973 inclusive.

Employees' average earnings for base period.

(3) For the year 1976 and each following year, employees' average earnings for a year shall be calculated as the average of employees' actual average earnings for the 8 years ending with the 2nd year preceding that year.

Employees' average earnings for a year.

(4) For the year 1966 and each following year, employees' actual average earnings for a year shall be calculated in prescribed manner as the average of salaries and wages actually paid to employees in Canada based on information set out in returns with respect to salaries and wages made under the *Income Tax Act*.

Employees' actual average earnings for a year.

DIVISION C: COLLECTION OF CONTRIBUTIONS.

EMPLOYEES AND EMPLOYERS.

Amount to
be deducted
and remitted
by employer.

22. (1) Every employer paying remuneration to an employee employed by him in pensionable employment during a year shall deduct therefrom as or on account of the employee's contribution for the year such amount as is prescribed, and shall remit that amount, together with such amount as is prescribed with respect to the contribution required to be made by the employer under this Act, to the Receiver General of Canada at such time as is prescribed.

Liability
for failure
to deduct
and remit

(2) Subject to subsection (3), every employer who fails to deduct and remit an amount from the remuneration of an employee as and when required under subsection (1) is liable to pay to Her Majesty the whole amount that should have been deducted and remitted from the time it should have been deducted.

Limit of
liability
where sub-
sequent
determina-
tion or
decision

(3) Where an employer has been informed in writing on behalf of the Minister pursuant to an inquiry, other than an application for determination of a question under section 28, that he is not required to make a deduction from the remuneration of an employee under this Act and it is subsequently determined or decided under section 28 or 29 that such a deduction should have been made, except where the employer was so informed on the basis of information furnished by him to the Minister that was incorrect in a material particular the employer is not liable for failing to make the deduction or for any amount that should have been deducted before the determination or decision is communicated to him, but is thereupon liable, without interest or penalties under this Act, to pay the contribution required to be made by him with respect to the employee from whose remuneration the deduction should have been made, and upon payment by the employer of any amount as or on account of the contribution so required to be made by him the employee shall be deemed to have notified the Minister as required by paragraph (b) of subsection (1) of section 14 of the employer's failure to deduct that amount from the remuneration of the employee.

Deduction
from
subsequent
payment of
remuneration.

(4) An employer who fails to deduct a prescribed amount required by subsection (1) to be deducted from a payment of remuneration to an employee may deduct an amount equal to such prescribed amount from any subsequent payment of remuneration made to the employee within 12 months after the making of the payment from which the prescribed amount was required to be deducted, but no employer may deduct from a payment

of remuneration made to an employee, in addition to the prescribed amount required by subsection (1) to be deducted therefrom, any amount with respect to more than one such prescribed amount that he previously failed to deduct.

(5) Where an amount has been deducted under subsection (1), it shall be deemed for all purposes to have been received at that time by the employee to whom the remuneration was payable.

Amount deducted deemed received by employee.

(6) Every employer who fails to remit to the Receiver General of Canada the total amount that he was required to remit at the time when he was required to do so is liable to a penalty of 10% of the amount that he failed so to remit or \$10, whichever is the greater, and to pay interest at a rate of 10% per annum on the amount he failed so to remit from the time when he was required to remit that amount until it is remitted.

Penalty for failure to remit at required time.

23. (1) The Minister may assess an employer for an amount payable by him under this Act, or may re-assess such employer or make additional assessments as the circumstances require, and the expression "assessment" when used in this Act with reference to any action so taken by the Minister under this section includes any such re-assessment or additional assessment.

Minister may assess amount payable

(2) After assessing an employer for an amount payable by him under this Act the Minister shall send the employer a notice of assessment, and upon such notice being sent to the employer the assessment shall be deemed to be valid and binding, subject to being varied or vacated on appeal under this Act, and the employer is liable to pay to Her Majesty the amount thereof forthwith.

Notice of assessment and liability of employer.

(3) Notwithstanding subsection (1) or (2), no assessment, re-assessment or additional assessment of an amount payable by an employer under this Act may be made by the Minister under this section after 4 years have elapsed from the earliest of the days on or before which any contribution in relation to which that amount is payable should have been paid, unless the employer has made any misrepresentation or committed any fraud in filing any return or in supplying any information pursuant to this Part in relation thereto.

Limitation on assessments.

24. (1) All contributions, interest, penalties and other amounts payable by an employer under this Act are debts due to Her Majesty and recoverable as such in the Exchequer Court of Canada or any other court of competent jurisdiction or in any other manner provided for by this Act.

Recovery of contributions, etc. as debt due to Her Majesty.

(2) The provisions of subsections (4) and (5) of section 116, sections 119, 120, 124 and 130, and section

Application of provisions of *Income Tax Act*

136 except subsections (1) and (4) of the *Income Tax Act* apply *mutatis mutandis* in relation to all contributions, interest, penalties and other amounts payable by an employer under this Act.

Amount not
remitted
deemed in
trust for Her
Majesty.

(3) Where an employer has deducted an amount from the remuneration of an employee as or on account of any contribution required to be made by the employee but has not remitted such amount to the Receiver General of Canada, the employer shall keep such amount separate and apart from his own moneys and shall be deemed to hold the amount so deducted in trust for Her Majesty.

Amount in
trust for Her
Majesty
deemed no
part of
estate.

(4) In the event of any liquidation, assignment or bankruptcy of an employer, an amount equal to the amount that by subsection (3) is deemed to be held in trust for Her Majesty shall be deemed to be separate from and form no part of the estate in liquidation, assignment or bankruptcy, whether or not that amount has in fact been kept separate and apart from the employer's own moneys or from the assets of the estate.

Certificate
before dis-
tribution.

(5) Every assignee, liquidator, administrator, executor or other like person, other than a trustee in bankruptcy, shall, before distributing any property under his control, obtain a certificate from the Minister certifying that all contributions, interest and penalties that have been assessed to be payable by an employer under this Act and that are chargeable against or payable out of the property under the control of such person have been paid, or that security for the payment thereof has been accepted by the Minister as provided for by this Act, and any such person who distributes any such property without having obtained a certificate as required by this subsection is personally liable for the unpaid contributions, interest and penalties.

Books and
records.

25. (1) Every employer paying remuneration to an employee employed by him in pensionable employment shall keep records and books of account at his place of business or residence in Canada, or at such other place as may be designated by the Minister, in such form and containing such information as will enable any contributions payable under this Act or any contributions or other amounts that should have been deducted or paid to be determined, and where any such employer has failed to keep adequate records and books of account, the Minister may require him to keep such records and books of account as he may specify, and the employer shall thereafter keep records and books of account as so required.

Idem.

(2) Every employer required by this section to keep records and books of account shall, until written

permission for their disposal is obtained from the Minister, retain every such record or book of account and every account or voucher necessary to verify the information contained therein.

26. (1) Any person thereunto authorized in writing by the Minister for any purpose relating to the administration or enforcement of this Act may, at any reasonable time, enter any premises or place where any records or books of account are kept or should be kept and Audit.

- (a) audit or examine any books, records, writings or other documents which relate or may relate to the information that is or should be contained in such records or books of account or to the amount of any contribution payable under this Act;
- (b) require the owner, occupier or person in charge of the premises or place to give him all reasonable assistance in connection with his audit or examination and to answer all proper questions relating to the audit or examination, and for that purpose require the owner, occupier or person in charge of the premises or place to attend at such premises or place with him; and
- (c) if, during the course of any such audit or examination it appears to him that an offence under this Act has been committed, seize and take away any such books, records, writings or other documents and retain them until their production in any court proceedings is required.

(2) The Minister may, for any purpose relating to the administration or enforcement of this Act, by registered letter or by demand served personally, require from any person Demand for information.

- (a) any information or additional information, including any information return or supplementary return, or
- (b) the production of any book, record, writing or other document,

within such reasonable time as is stipulated in such letter or demand.

(3) Where any book, record, writing or other document is seized, inspected, examined or produced in accordance with this section, the person by whom it is seized, inspected or examined or to whom it is produced or any officer of the Department of National Revenue may make or cause to be made one or more copies thereof and shall, upon request by the person from whom the original document was seized or by whom it was produced, in any Copies as evidence.

case where a copy thereof has been made pursuant to this section, send a copy thereof to such person or, if no copy thereof has been made pursuant to this section, allow such person at any reasonable time to have access to the document so seized or produced, and a document purporting to be certified by the Minister or a person thereunto authorized by him to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it were proven in the ordinary way.

Compliance.

(4) No person shall hinder, molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and, notwithstanding any other Act or law, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do.

No action
against
person
deducting.

27. (1) No action lies against any person for deducting any sum of money in compliance or intended compliance with this Act.

Receipt of
Minister
sufficient
discharge

(2) The receipt of the Minister for an amount deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt.

Determina-
tion of
questions by
Minister.

28. (1) Where any question arises under this Act as to whether a person is required to make a contribution as an employee for a year, or as an employer with respect to an employee for a year, or as to the amount of any such contribution,

(a) the employee or the employer may, on or before April 30 in the immediately following year, apply to the Minister to determine the question; or

(b) the Minister on his own initiative may at any time determine the question.

Appeal to
Minister for
reconsider-
ation of
assessment

(2) Where the Minister has assessed an employer for an amount payable by him under this Act, the employer may appeal to the Minister for a reconsideration of the assessment, either as to whether any amount should be assessed as payable or as to the amount so assessed, within 90 days of the day of mailing of the notice of assessment.

Notification
of intention
to determine
question to
be given by
Minister.

(3) Where a question specified in subsection (1) is to be determined by the Minister

(a) pursuant to an application by an employee, the Minister shall notify his employer,

(b)

- (b) pursuant to an application by an employer, the Minister shall notify the employee specified in the application,
- (c) on his own initiative, the Minister shall notify the employer and any employee who may be affected by the determination, or
- (d) pursuant to an appeal under subsection (2), the Minister shall notify any employee who may be affected by the determination,

of his intention to determine the question and shall afford to the employer and employee affected or either of them, as the circumstances require, an opportunity to furnish information and to make representations to protect their interests.

(4) An application for the determination of a question or an appeal for reconsideration of an assessment by the Minister shall be in prescribed form and shall be sent by registered mail to the Deputy Minister of National Revenue, Taxation Division, Ottawa.

Form, etc. of application or appeal.

(5) On an application or an appeal under this section, the Minister shall, with all due despatch, determine the question raised by the application or vacate, confirm or vary the assessment, or re-assess, and he shall thereupon notify any employee affected and the employer.

Decision of Minister.

(6) Unless an application has been made by an employee or employer in accordance with subsection (1) with respect to any year, where an amount has been deducted from the remuneration of the employee for the year or has been paid by the employer as a contribution with respect to an employee for the year, or where no amount has been so deducted or paid, after April 30 in the following year the amount so deducted or paid shall be deemed to have been deducted or paid in accordance with this Act, or it shall be deemed that no amount was required to be deducted or paid in accordance with this Act, as the case may be, but nothing in this subsection restricts the authority of the Minister to determine any question on his own initiative under subsection (1) or to make any assessment under this Act after that date.

Presumption where no application made within required time.

(7) Where the Minister is required to notify an employee who may be or is affected by a determination under this section, he may cause the employee to be notified, in such manner as he deems adequate, of his intention to make the determination or of such determination, as the case may be.

Manner in which employee to be notified.

29. (1) An employee or employer affected by a determination by or a decision on an appeal of the Minister under section 28 may, within 90 days after the determination or decision is communicated to him, or within such longer

Appeal to Pension Appeals Board.

time as the Pension Appeals Board upon application made to it within those 90 days may allow, appeal from the determination or decision to the Pension Appeals Board by sending a notice of appeal in prescribed form by registered mail to the Chairman, Pension Appeals Board, Ottawa.

Decision
of Board

(2) On an appeal under this section, the Pension Appeals Board may reverse, affirm or vary the determination, or may vacate, confirm or vary the assessment, and shall thereupon in writing notify the parties to the appeal of its decision and of its reasons therefor.

Application
of s. 85.

(3) The provisions of section 85 apply to an appeal to the Pension Appeals Board under this section.

Decision of
Minister or
Pension
Appeals
Board final
and binding.

30. (1) The Minister and the Pension Appeals Board have authority to decide any question of fact or law necessary to be decided in determining any question or reconsidering any assessment required to be determined or reconsidered under section 28 or 29, and to decide whether an employee or employer may be or is affected thereby, and the decision of the Minister, except as provided in this Act, or the decision of the Pension Appeals Board as the case may be, is final and binding for all purposes of this Act.

Appeal to
Supreme
Court of
Canada.

(2) Notwithstanding anything in subsection (1), an appeal lies to the Supreme Court of Canada with the leave of that court from a decision of the Pension Appeals Board under section 29, upon any question of fact or law involving the interpretation or application of section 4 of this Act.

Idem.

(3) An appeal under subsection (2) may be brought in prescribed manner by the Minister or any person affected by the decision being appealed from, or by the attorney general of any province providing a comprehensive pension plan, within 90 days from the day notification of the decision is communicated to the parties under subsection (2) of section 29, or within such longer time as a judge of the Supreme Court of Canada upon application made to him within those 90 days may allow.

DIVISION D: COLLECTION OF CONTRIBUTIONS IN RESPECT OF SELF-EMPLOYED EARNINGS.

Return to
be filed.

31. (1) Where a person is required to make a contribution for a year in respect of his self-employed earnings, a return of his self-employed earnings for the year shall, without notice or demand therefor, be filed with the Minister in prescribed form and manner and containing prescribed information,

- (a) in the case of a person who has died without filing the return, by his legal representative, within 6 months from the day of his death, and
- (b) in the case of any other person, on or before April 30 in the following year, by that person or, if for any reason he is unable to file the return, by his guardian, curator, committee or other legal representative.

(2) Whether or not he is liable to make a contribution for a year in respect of his self-employed earnings and whether or not a return has been filed under subsection (1), every person shall, on demand from the Minister, served personally or by registered letter, file with the Minister in prescribed form and containing prescribed information, within such reasonable time as may be stipulated in such demand, a return of his self-employed earnings for the year designated therein.

Demand for return.

(3) Every trustee in bankruptcy, assignee, liquidator, curator, receiver, trustee or committee and every agent or other person administering, managing, winding-up, controlling or otherwise dealing with the property, business, estate or income of a person who has not filed a return of his self-employed earnings for a year as required by this section shall file with the Minister a return in prescribed form of that person's self-employed earnings for the year.

Return by trustee, etc.

(4) The prescribed information to be contained in any return of the self-employed earnings of a person for a year required by this section to be filed with the Minister shall identify the province in which that person was resident on the last day of that year.

Identification of province of residence.

(5) Where no return of the self-employed earnings of a person for a year has been filed with the Minister as required by this section within 4 years from April 30 in the following year, the amount of any contribution required to be made by him for that year under this Act in respect of such earnings shall be deemed to be zero unless before the end of those 4 years the Minister has assessed the contribution for that year in respect thereof.

Where no return filed within 4 years.

32. Every person required by section 31 to file a return of his self-employed earnings shall in the return estimate the amount of the contribution to be made by him in respect thereof.

Estimate to be made.

33. The Minister shall, with all due despatch, examine each return of self-employed earnings and assess the contribution for the year in respect thereof and the interest

Examination of return and notice of assessment.

and penalties, if any, payable, and, after such examination, shall send a notice of assessment to the person by whom the return was filed.

Payment of
contribution.

34. (1) Where the amount of the contribution required to be made by a person for a year in respect of his self-employed earnings is \$40 or less, he shall, on or before April 30 in the following year, pay to the Receiver General of Canada the whole amount of the contribution.

Farmers and
fishermen.

(2) Every person to whom section 48 of the *Income Tax Act* applies, unless he is a person to whom subsection (1) applies, shall pay to the Receiver General of Canada

- (a) on or before December 31 in each year, $\frac{2}{3}$ of the contribution required to be made by him for the year in respect of his self-employed earnings, as estimated by him, and
- (b) on or before April 30 in the following year, the remainder of the contribution as estimated under section 32.

Other
persons.

(3) Every person, unless he is a person to whom subsection (1) or (2) applies, shall pay to the Receiver General of Canada

- (a) on or before March 31, June 30, September 30 and December 31 respectively in each year, an amount equal to $\frac{1}{4}$ of the contribution required to be made by him for the year in respect of his self-employed earnings, as estimated by him, and
- (b) on or before April 30 in the following year, the remainder of the contribution as estimated under section 32.

Interest on
unpaid
contribu-
tions.

35. (1) Where the amount paid by a person on or before April 30 of any year on account of the contribution required to be made by him for the preceding year in respect of his self-employed earnings is less than the amount of the contribution so required to be made, interest at the rate of 6% per annum is payable by that person on the difference between those amounts from the said April 30 to the day of payment.

Interest on
instalments.

(2) In addition to any interest payable under subsection (1), where a person, being required by section 34 to pay a part or instalment of a contribution, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed so to pay, pay interest thereon at the rate of 6% per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he is

liable to pay interest thereon under subsection (1), whichever is the earlier.

(3) For the purposes of subsection (2), where Limitation.
a person is required by section 34 to pay a part or instalment of a contribution in respect of his self-employed earnings as estimated by him, he shall be deemed to have been liable to pay a part or instalment computed by reference to the amount of the contribution required to be made by him for the year in respect thereof minus \$40.

36. (1) Every person who fails to file a return of his self-employed earnings for a year as and when required by section 31 is liable to a penalty of 5% of such part of the amount of the contribution required to be made by him for the year in respect thereof as remained unpaid at the expiration of the time the return was required to be filed, but where that person is liable to a penalty under subsection (1) of section 55 of the *Income Tax Act* in respect of the same year, the Minister may reduce the penalty to which he is liable under this section or may remit such penalty in whole or in part.

Failure to
file return.

(2) Every person who fails to file a return as Idem.
required by subsection (3) of section 31 is liable to a penalty of \$5 for each day of default, but not exceeding in all \$50.

37. Subject to this Part and except as otherwise provided by regulation, the provisions of Divisions F, I and J of Part I of the *Income Tax Act* with respect to assessments, payment of tax, objections to assessments and appeals, and the provisions of Part V except section 117 of that Act apply *mutatis mutandis* in relation to any amount paid or payable as or on account of a contribution for a year in respect of self-employed earnings as though that amount were an amount paid or payable as or on account of tax under that Act.

Application
of provisions
of *Income
Tax Act*.

38. Where any payment is made by a person to the Minister on account of taxes specified in section 123A of the *Income Tax Act* and of a contribution under this Act in respect of self-employed earnings, notwithstanding any direction made by the person making the payment as to its application, the part of the payment that would be applied under that section in payment of tax under the *Income Tax Act* shall be applied in payment of the contribution under this Act and shall be deemed to be a payment on account thereof, and to the extent of the amount so applied shall not discharge liability for tax under the *Income Tax Act*, and any amount then remaining shall be applied in payment

Priority
in which
payment to
be applied

of tax under the *Income Tax Act* and shall discharge the liability of the person making the payment for such tax to the extent of that amount.

DIVISION E: GENERAL.

Refunds of Overpayments.

Refund of over-payment where application made within 3 years.

39. (1) Where an overpayment has been made by an employee on account of the employee's contribution under this Act for a year, the Minister shall, if application in writing is made to the Minister by him not later than 3 years after the end of the year, refund to him the amount of the overpayment.

Refund after determination or decision on appeal.

(2) Where an amount on account of a contribution has been deducted from the remuneration of an employee during a year or has been paid by an employer with respect to an employee employed by him during a year, and by a determination or a decision on an appeal made pursuant to section 28 or 29 it is determined or decided that the amount so deducted or paid exceeds the amount required to be deducted or paid under this Act, if application in writing is made by the employee or employer to the Minister not later than 30 days after the determination or decision is communicated to the employee or employer, as the case may be, the Minister shall refund the amount by which the amount so deducted or paid exceeds the amount so required to be deducted or paid.

Refund where Minister satisfied amount deducted in excess of required amount.

(3) Notwithstanding anything in this Part, where an employee or employer makes application to the Minister and satisfies him that, for any year, the amount deducted from the remuneration of the employee, or paid by the employer with respect to an employee, as the case may be, is in excess of the amount required to be deducted or paid for the year under this Act, if such application is made within 3 years after the end of the year the Minister may refund the amount by which the amount so deducted or paid exceeds the amount so required to be deducted or paid.

Refund of excess contribution in respect of self-employed earnings.

(4) Where a person has paid on account of the contribution required to be made by him for a year in respect of his self-employed earnings an amount in excess of such contribution, the Minister

(a) may refund that part of the amount so paid in excess of the contribution upon mailing the notice of assessment of such contribution, without any application therefor, and

(b)

- (b) shall make such a refund after mailing the notice of assessment, if application therefor is made in writing by the contributor not later than 3 years after the end of the year.

(5) Where an application under this section has been made to the Minister for a refund of any amount deducted on account of an employee's contribution for a year and, whether on the basis of incorrect or incomplete information contained in the application or otherwise, the Minister has refunded an amount to the employee in excess of the amount that should have been refunded, the amount of the excess may be recovered at any time from the employee as a debt due to Her Majesty.

Recovery of amount refunded in certain circumstances.

(6) Instead of making a refund that might otherwise be made under this section, the Minister may, where the person to whom the refund is payable is liable to pay tax under the *Income Tax Act*, apply the amount of the refund to that liability and notify such person of his action.

Application of refund to other liability.

(7) Where an amount in respect of an overpayment is refunded or applied under this Act to other liability, interest shall be paid or applied thereon at the rate specified in subsection (3) or (3a) of section 57 of the *Income Tax Act* under the circumstances and for the period or periods determined as prescribed, except that no interest shall be paid or applied thereon where the amount of such interest is less than \$1.

Interest on over-payments.

40. (1) Notwithstanding anything in this Act, where an overpayment has been made by an employee on account of the employee's contribution for a year under this Act, the Minister may, in accordance with any agreement which may be entered into by him with the approval of the Governor in Council with the appropriate authority of a province having the administration of the provincial pension plan referred to in subsection (2) of section 8, if application in writing is made to the Minister by the employee not later than 3 years after the end of the year, refund to the employee the whole amount of the excess referred to in that subsection, in which case the whole of that amount shall be deemed to be an overpayment made by the employee on account of his contribution for that year under this Act.

Refund of over-payment in accordance with agreement with province respecting making of refunds.

(2) Where in accordance with any agreement entered into under subsection (1) the appropriate authority of a province has refunded to an employee the whole amount of the excess referred to in subsection (2) of section 8 with respect to that employee, the whole of that amount shall be deemed to be an overpayment made by the employee on account of his contribution for that year under the provincial pension plan referred to in that subsection.

Saving provision

Provision for
making of
financial
adjustments.

(3) Any agreement entered into under subsection (1) may provide therein for the making of any financial adjustments required to be made by reason of any payments made to employees in accordance with such agreement, and for the crediting or charging of the amount of such adjustments to the Canada Pension Plan Account.

Regulations.

Regulations.

41. lations

- (1) The Governor in Council may make regulations
- (a) prescribing or providing anything that, by this Part, is to be prescribed or is to be provided by regulations;
 - (b) requiring any class of persons to file information returns respecting any class of information required in connection with contributions under this Act, including information respecting contributions of employees of any such persons identified by the province in which such employees were employed;
 - (c) requiring a person who is, by a regulation made under paragraph (b), required to file an information return, to supply a copy of the return or a prescribed portion thereof to the person or persons in respect of whose contributions the return or portion thereof relates;
 - (d) prescribing a penalty not exceeding \$10 a day for each day of default and not exceeding in all \$250 to which a person who fails to comply with a regulation made under paragraph (b) or (c) shall be liable;
 - (e) defining the expressions "agriculture", "agricultural enterprise", "horticulture", "fishing", "hunting", "trapping", "forestry", "logging", "lumbering", "international organization", "working days" or "employment of a casual nature" for the purposes of this Act;
 - (f) respecting the manner in which any provision of this Act that applies or extends to an employer of an employee shall apply or extend to any person by whom the remuneration of an employee for services performed in pensionable employment is paid either wholly or in part, and to the employer of any such employee;
 - (g) specifying the circumstances in which and the conditions upon which a person shall be deemed to be or have been, or not to be or have been,

- a member of the Canadian Forces or the Royal Canadian Mounted Police for the purposes of paragraph (g) of subsection (2) of section 6;
- (h) authorizing the Minister on behalf of the Government of Canada to enter into any agreement for giving effect to the provisions of paragraph (h) of subsection (2) of section 6 or paragraph (e) or (f) of subsection (1) of section 7;
 - (i) regulating the procedure to be followed in the determination by the Minister of questions under this Part;
 - (j) respecting the terms and conditions governing the making of refunds in accordance with any agreement under subsection (1) of section 40 that may be entered into by the Minister on behalf of the Government of Canada; and
 - (k) generally for carrying out the purposes and provisions of this Part.

(2) The Minister may make regulations authorizing any designated officer or class of officers to exercise any power or perform any duty of the Minister under this Part.

Regulations
of Minister.

Offences.

42. (1) Every employer who fails to comply with subsection (1) of section 22 or subsection (3) of section 24 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to

Offence and
punishment.

- (a) a fine not exceeding \$5,000, or
- (b) both the fine described in paragraph (a) and imprisonment for a term not exceeding 6 months.

(2) Every person who fails to comply with or contravenes section 25 or 26 is guilty of an offence punishable on summary conviction.

Idem.

(3) Every person who fails to comply with or contravenes section 31 or a regulation made under paragraph (b) or (c) of subsection (1) of section 41 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of not less than \$25 a day for each day of default, but not exceeding in all \$1,000.

Idem.

- (4) Every person who
- (a) makes, or participates in, assents to or acquiesces in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Part or a regulation,

Idem.

- (b) to evade payment of a contribution imposed by this Act, destroys, alters, mutilates, secretes or otherwise disposes of the records or books of account of an employer,
- (c) makes, or assents to or acquiesces in the making of, false or deceptive entries, or omits, or assents to or acquiesces in the omission, to enter a material particular, in records or books of account of an employer,
- (d) wilfully, in any manner, evades or attempts to evade, compliance with this Act or payment of contributions imposed by this Act, or
- (e) conspires with any person to commit an offence described by paragraphs (a) to (d),

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to

- (f) a fine of not less than \$25 and not more than \$5,000 plus, in an appropriate case, an amount not exceeding double the amount of the contribution that should have been shown to be payable or that was sought to be evaded, or
- (g) both the fine described in paragraph (f) and imprisonment for a term not exceeding 6 months.

Saving
provision.

(5) Where a person has been convicted under this section of failing to comply with subsection (1) of section 22 or a regulation made under paragraph (b) or (c) of subsection (1) of section 41, he is not liable to pay any penalty imposed under section 22 or under any regulation made under section 41 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made.

Information
or
complaint.

(6) An information or complaint under this section may be laid or made by any officer of the Department of National Revenue, a member of the Royal Canadian Mounted Police or any person thereunto authorized by the Minister and, where an information or complaint purports to have been laid or made under this section, it shall be deemed to have been laid or made by a person thereunto authorized by the Minister and shall not be called in question for lack of authority of the informant or complainant except by the Minister or a person acting for him or Her Majesty.

PART II.

PENSIONS AND SUPPLEMENTARY BENEFITS.

Definitions.

"Basic
number of
contributory
months."

- 43.** (1) In this Part,
(a) "basic number of contributory months" in the

case of any contributor means 120 minus the number of months for which a disability pension was payable to him under this Act or under a provincial pension plan;

- (b) "child" of a contributor means a natural child of the contributor, whether born before or after his death, and includes an individual adopted legally or in fact by the contributor while such individual was under 21 years of age, and an individual of whom, either legally or in fact, the contributor had, or immediately before such individual reached 21 years of age did have, the custody and control; "Child."
- (c) "dependent child" of a contributor means an unmarried child of the contributor who "Dependent child."
- (i) is less than 18 years of age,
 - (ii) is 18 or more years of age but less than 25 years of age and is in full-time attendance at a school or university as defined by regulation, having been in such attendance substantially without interruption as defined by regulation since he reached 18 years of age or the contributor died, whichever occurred later, or
 - (iii) is 18 or more years of age and is disabled, having been disabled without interruption since the time he reached 18 years of age or the contributor died, whichever occurred later;
- (d) "disabled contributor's child" or any form of that expression of like import means a dependent child of "Disabled contributor's child."
- (i) a male contributor who is disabled, or
 - (ii) a female contributor who is disabled, if immediately before the contributor became disabled the child was, in prescribed circumstances, being maintained wholly or substantially by such contributor,
- but does not include a dependent child described in subparagraph (iii) of paragraph (c); and for the purposes of this paragraph, paragraph (c) shall be read as though for the reference therein to the time when the contributor died there were substituted a reference to the time when the contributor became disabled;
- (e) "Minister" means the Minister of National Health and Welfare; "Minister."

"Orphan."

(f) "orphan" of a contributor means a dependent child of

- (i) a male contributor who has died, or
- (ii) a female contributor who has died, if immediately before her death the child was, in prescribed circumstances, being maintained wholly or substantially by such contributor,

but does not include a dependent child described in subparagraph (iii) of paragraph (c);

"Wholly or substantially."

(g) "wholly or substantially" has such meaning as may be prescribed; and

"Widow with dependent children."

(h) "widow with dependent children" means a widow of a contributor who maintains wholly or substantially one or more dependent children of the contributor.

When person deemed disabled

(2) For the purposes of this Act,

(a) a person shall be considered to be disabled only if he is determined in prescribed manner to be suffering from a severe and prolonged mental or physical disability, and for the purposes of this paragraph,

(i) a disability is severe only if by reason thereof the person in respect of whom the determination is made is incapable regularly of pursuing any substantially gainful occupation, and

(ii) a disability is prolonged only if it is determined in prescribed manner that such disability is likely to be long continued and of indefinite duration or is likely to result in death; and

(b) a person shall be deemed to have become or to have ceased to be disabled at such time as is determined in prescribed manner to be the time when he became or ceased to be, as the case may be, disabled, but in no case shall a person be deemed to have become disabled earlier than 12 months before the time of the making of any application in respect of which the determination is made.

DIVISION A: BENEFITS PAYABLE.

Benefits payable.

44.

(1) Subject to this Part,
(a) a retirement pension shall be paid to a contributor who

(i) has reached 65 years of age and is retired from regular employment, or

- (ii) has reached 70 years of age;
- (b) a disability pension shall be paid to a contributor who has made contributions for not less than the minimum qualifying period and is disabled;
- (c) a death benefit shall be paid to the estate of a deceased contributor who has made contributions for not less than the minimum qualifying period;
- (d) a widow's pension shall be paid to the widow of a deceased contributor who has made contributions for not less than the minimum qualifying period, if the widow
 - (i) has reached 65 years of age, or
 - (ii) in the case of a widow who has not reached 65 years of age,
 - (A) had at the time of the death of the contributor reached 35 years of age,
 - (B) was at the time of the death of the contributor a widow with dependent children, or
 - (C) is disabled;
- (e) a disabled widower's pension shall be paid to the widower of a deceased contributor who has made contributions for not less than the minimum qualifying period, if the widower is disabled, having been disabled at the time of the death of the contributor and having been, in prescribed circumstances, wholly or substantially maintained by the contributor immediately before her death;
- (f) a disabled contributor's child's benefit shall be paid to each child of a disabled contributor who has made contributions for not less than the minimum qualifying period; and
- (g) an orphan's benefit shall be paid to each orphan of a deceased contributor who has made contributions for not less than the minimum qualifying period.

(2) For the purposes of paragraphs (b) and (f) of subsection (1), a contributor shall be considered to have made contributions for not less than the minimum qualifying period only if he has made contributions

- (a) for at least 5 calendar years and at least 1/3 of the total number of calendar years included either wholly or partly within his contributory period, and where the number of calendar years included either wholly or partly within

Calculation of minimum qualifying period in case of disability pension and disabled contributor's child's benefit.

Calculation of minimum qualifying period in case of other supplementary benefits.

- his contributory period exceeds 10, for at least 5 of the last 10 calendar years so included, or
- (b) for at least 10 calendar years and at least 5 of the last 10 calendar years included either wholly or partly within his contributory period.

(3) For the purposes of paragraphs (c), (d), (e) and (g) of subsection (1), a contributor shall be considered to have made contributions for not less than the minimum qualifying period only if he has made contributions

- (a) for at least 3 calendar years and at least 1/3 of the total number of calendar years included either wholly or partly within his contributory period, or
- (b) for at least 10 calendar years.

DIVISION B: CALCULATION OF BENEFITS.

Basic Amount and Annual Adjustment.

Basic amount of benefit.

45. (1) A reference in this Part to the basic amount of any benefit shall be construed as a reference to the amount thereof calculated as provided in this Part without regard to the provisions of this section.

Annual adjustments.

(2) Where any benefit has become payable commencing with a month in any year, the basic monthly amount of such benefit shall be adjusted annually, in prescribed manner, so that the amount payable for a month in any following year is an amount equal to the product obtained by multiplying

- (a) the amount that would have been payable for that month if no adjustment had been made under this section with respect to that following year,

by

- (b) the ratio that the Pension Index for that following year bears to the Pension Index for the year preceding that following year.

Retirement Pension.

Amount of retirement pension.

46. A retirement pension payable to a contributor is a basic monthly amount equal to 25% of his average monthly pensionable earnings.

Amount of average monthly pensionable earnings.

47. Where a retirement pension becomes payable to a contributor commencing with any month before January, 1976, his average monthly pensionable earnings are an amount calculated by dividing

- by
- (a) his total pensionable earnings
 - (b) the basic number of contributory months.

48. (1) Subject to subsections (2) and (3), where a retirement pension becomes payable to a contributor commencing with any month after December, 1975, his average monthly pensionable earnings are an amount calculated by dividing

Average monthly pensionable earnings in case of pension commencing after December, 1975.

- by
- (a) his total pensionable earnings
 - (b) the total number of months in his contributory period or the basic number of contributory months, whichever is the greater.

(2) Where a contributor has made a contribution for earnings after he reached 65 years of age and the total number of months in his contributory period exceeds the basic number of contributory months, in calculating his average monthly pensionable earnings in accordance with subsection (1) there shall be deducted

Deductions allowed where contributions made after 65.

- (a) from the total number of months in his contributory period, the number of months therein after he reached 65 years of age or by which the total exceeds the basic number of contributory months, whichever is the lesser; and
- (b) from his total pensionable earnings, the aggregate of his pensionable earnings for a number of months equal to the number of months deducted under paragraph (a), for which months such aggregate is less than the aggregate of his pensionable earnings for any other like number of months in his contributory period.

(3) Where the number of months remaining after making any deduction under subsection (2) from the total number of months in the contributory period of a contributor exceeds 120, in calculating his average monthly pensionable earnings in accordance with subsection (1) there shall be deducted

Deductions allowed where number of months remaining exceeds 120.

- (a) from the number of months so remaining, a number of months equal to
 - (i) 15% of the number so remaining, and if such 15% includes a fraction of a month the fraction shall be taken to be a complete month,

or

- (ii) the number of months by which the number so remaining exceeds 120, whichever is the lesser; and

- (b) from his total pensionable earnings remaining after making any deduction under subsection (2), the aggregate of his pensionable earnings for a number of months equal to the number of months deducted under paragraph (a), for which months such aggregate is less than his aggregate pensionable earnings for any like number of months in his contributory period other than for months for which a deduction has already been made under subsection (2).

Contributory
period
defined.

49. The contributory period of a contributor is

- (a) commencing January 1, 1966 or when he reaches 18 years of age, whichever is the later, and
(b) ending when he reaches 65 years of age, or if he makes a contribution for earnings after he reaches 65 years of age, with the month for which he last made such a contribution, and in any case not later than the month in which he dies;

but does not include any month for which a disability pension was payable to him under this Act or under a provincial pension plan.

Total
pensionable
earnings
defined.

50. The total pensionable earnings of a contributor are the total for all months in his contributory period of his pensionable earnings for each month calculated as provided in section 51.

Calculation
of
pensionable
earnings
for a
month.

51. (1) The pensionable earnings of a contributor for a month shall be calculated by multiplying the earnings for which the contributor is deemed by section 52 to have made a contribution for the month by the ratio that the average of the Year's Maximum Pensionable Earnings for the year in which a retirement pension becomes payable to him under this Act or under a provincial pension plan and for each of the 2 preceding years, bears to the Year's Maximum Pensionable Earnings for the year that includes that month.

Where
pension
payable
in 1967.

(2) A reference in subsection (1) to a period of 2 preceding years shall, in the case of a retirement pension that becomes payable in 1967, be construed as a reference to 1 preceding year.

Amount of
earnings
for which
contribution
deemed to
have been
made for
a month.

52. (1) For the purpose of calculating the pensionable earnings of a contributor for a month in any year for which the contributor has made a contribution, the contribution shall be deemed to have been made for all months

in the year, and the earnings for which he shall be deemed to have made a contribution for each month in the year are an amount calculated by dividing his unadjusted pensionable earnings for the year by 12, except that

- (a) for a year in which the contributor reaches 18 years of age or in which a disability pension ceases to be payable to him under this Act or under a provincial pension plan, the contribution shall be deemed to have been made for earnings for the months in the year after he reached that age or after such pension ceased to be payable, as the case may be, and
- (b) for a year in which the contributor reaches 70 years of age or dies, or in which a retirement pension or disability pension becomes payable to him under this Act or under a provincial pension plan, the contribution shall be deemed to have been made for earnings for the months in the year before the contributor reached 70 years of age or died or before such pension became payable, as the case may be;

in which case the earnings for which he shall be deemed to have made a contribution for each such month shall be an amount calculated by dividing his unadjusted pensionable earnings for that year by the number of such months.

(2) For the purpose of calculating the pensionable earnings of a contributor for a month in any year for which the contributor made no contribution, the amount of the earnings for which a contribution shall be deemed to have been made for any month in the year shall be deemed to be zero.

Where no contribution made.

(3) For the purposes of this Part,

- (a) a contributor shall be deemed to have made a contribution for any year for which his unadjusted pensionable earnings exceed his basic exemption for the year, and shall be deemed to have made no contribution for any year for which his unadjusted pensionable earnings do not exceed his basic exemption for the year; and
- (b) a contributor shall be deemed to have made a contribution for earnings for any month for which a contribution is deemed by subsection (1) to have been made by him.

When contribution deemed to have been made.

53. The unadjusted pensionable earnings of a contributor for a year are an amount equal to

- (a) the aggregate of

Unadjusted pensionable earnings for a year defined.

- (i) his contributory salary and wages for the year, and
 - (ii) his contributory self-employed earnings for the year in the case of an individual described in section 10,
- if such aggregate exceeds the amount of his basic exemption for the year;
- (b) the aggregate of
 - (i) his earnings on which a contribution has been made for the year under this Act, calculated as the aggregate of
 - (A) his salary and wages on which a contribution has been made for the year, and
 - (B) the amount of any contribution required to be made by him for the year in respect of his self-employed earnings, multiplied by 100 and divided by 3.6,
 - (ii) his earnings on which a contribution has been made for the year under a provincial pension plan, calculated as the aggregate of
 - (A) such amount as is determined in prescribed manner to be his salary and wages on which a contribution has been made for the year by him under a provincial pension plan, and
 - (B) the amount of any contribution required to be made by him for the year under a provincial pension plan in respect of his self-employed earnings, multiplied by 100 and divided by 3.6, and
 - (iii) his basic exemption for the year; or
 - (c) his maximum pensionable earnings for the year;
- whichever is the least.

Disability Pension.

Amount of disability pension.

- 54.** (1) A disability pension payable to a contributor is a basic monthly amount consisting of
- (a) a flat rate benefit, calculated as provided in subsection (2); and
 - (b) 75% of the amount of the contributor's retirement pension calculated as provided in subsection (3).

Calculation of flat rate benefit.

- (2) The amount of the flat rate benefit mentioned in paragraph (a) of subsection (1) is an amount

calculated by multiplying \$25 by the ratio that the Pension Index for the year in which the benefit commenced to be payable bears to the Pension Index for the year 1967.

(3) The amount of the contributor's retirement pension to be used for the purposes of subsection (1) is an amount equal to 25% of his average monthly pensionable earnings calculated as provided in sections 46 to 53 except that, in making such calculation,

Calculation of contributor's retirement pension.

- (a) section 47 is not applicable;
- (b) subsection (1) of section 48 shall be read as follows:

"48. (1) Subject to subsections (2) and (3), the average monthly pensionable earnings of a contributor are an amount calculated by dividing

(a) his total pensionable earnings
by

(b) the total number of months in his contributory period or 60, whichever is the greater.";

- (c) section 49 shall be read as follows:

"49. The contributory period of a contributor is the period

(a) commencing January 1, 1966 or when he reaches 18 years of age, whichever is the later, and

(b) ending with the month in which a disability pension became payable to him under this Act or under a provincial pension plan;

but does not include any month for which a disability pension was payable to him under this Act or under a provincial pension plan."; and

- (d) section 51 shall be read as though for the reference therein to the year in which a retirement pension becomes payable to the contributor there were substituted a reference to the year in which the disability pension in respect of which such calculation is being made becomes payable.

Death Benefit.

55. (1) A death benefit payable to the estate of a contributor is a lump sum amount equal to

Amount of death benefit.

- (a) 6 times the amount of the contributor's retirement pension, calculated as provided in subsection (2), or

Calculation
of con-
tributor's
retirement
pension.

(b) 10% of the Year's Maximum Pensionable Earnings for the year in which the contributor died,
whichever is the lesser.

(2) The amount of the contributor's retirement pension to be used for the purposes of subsection (1) is

(a) in the case of a contributor to whom a retirement pension was or but for sections 68 and 69 would have been payable for the month in which he died, the amount of such pension for that month, calculated without regard to sections 68 and 69 and, where the pension became payable commencing with any month before January, 1976, multiplied by the ratio that the basic number of contributory months bears to the number of months in the contributor's contributory period; and

(b) in the case of any other contributor, an amount equal to 25% of his average monthly pensionable earnings, calculated as provided in sections 46 to 53 except that, in making such calculation,

(i) section 47 is not applicable;

(ii) subsection (1) of section 48 shall be read as follows:

"48. (1) Subject to subsections

(2) and (3), the average monthly pensionable earnings of a contributor are an amount calculated by dividing

(a) his total pensionable earnings
by

(b) the total number of months
in his contributory period.";

and

(iii) section 51 shall be read as though for the reference therein to the year in which a retirement pension becomes payable to the contributor there were substituted a reference to the year in which the contributor died.

Widow's Pension.

Amount of
widow's
pension.

56. (1) Subject to this section, a widow's pension payable to the widow of a contributor is a basic monthly amount as follows:

(a) in the case of a widow who has not reached 65 years of age but to whom a widow's pension is payable under paragraph (d) of subsection (1)

of section 44, a basic monthly amount consisting of

- (i) a flat rate benefit, calculated as provided in subsection (2) of section 54, and
- (ii) $37\frac{1}{2}\%$ of the amount of the contributor's retirement pension, calculated as provided in subsection (3),

reduced, unless the widow was at the time of the death of the contributor a widow with dependent children or unless she is disabled, by $1/120$ for each month by which the age of the widow at the time of the death of the contributor is less than 45 years, and reduced,

- (iii) if at any time after the death of the contributor the widow ceases to be a widow with dependent children and is not at that time disabled, by $1/120$ for each month by which the age of the widow at the earlier of

- (A) the time when she ceased to be a widow with dependent children, or

- (B) the time when she would, but for subparagraph (ii) of paragraph (c) of subsection (1) of section 43, have ceased to be a widow with dependent children,

is less than 45 years, or

- (iv) if at any time after the death of the contributor the widow ceases to be disabled and is not at that time a widow with dependent children, by $1/120$ for each month by which the age of the widow at that time is less than 45 years; and

- (b) in the case of a widow who has reached 65 years of age, a basic monthly amount equal to 60% of the amount of the contributor's retirement pension, calculated as provided in subsection (3).

(2) Where a widow's pension under this Act and a retirement pension under this Act or under a provincial pension plan are payable to the widow of a contributor, the basic monthly amount of the widow's pension payable to such widow is an amount that, when added to the monthly amount of the retirement pension payable to her, equals

Calculation
of widow's
pension
where
retirement
pension
payable

- (a) the greater of

- (i) 60% of the total of the monthly amount of the retirement pension payable to such widow and the amount of the contribu-

tor's retirement pension, calculated as provided in subsection (3), or

- (ii) the monthly amount of the retirement pension payable to such widow plus $37\frac{1}{2}\%$ of the amount of the contributor's retirement pension, calculated as provided in subsection (3); or

- (b) $1/12$ of 25% of the average of the Year's Maximum Pensionable Earnings for the year in which the widow first became entitled to the widow's pension or retirement pension, as the case may be, having become entitled to the other such pension, and for each of the 2 preceding years;

whichever is the lesser.

Calculation of contributor's retirement pension.

(3) The amount of the contributor's retirement pension to be used for the purposes of subsections (1) and (2) is an amount calculated as provided in paragraphs (a) and (b) of subsection (2) of section 55, multiplied, for the purpose of calculating the monthly amount of the widow's pension for months commencing with the month in which the widow

- (a) became disabled, not having been disabled at the time of the death of the contributor,
- (b) reached 65 years of age, not having reached that age at the time of the death of the contributor, or
- (c) first became entitled to a widow's pension under this Act or a retirement pension under this Act or under a provincial pension plan, having become entitled to the other such pension,

by the ratio that the Pension Index for the year that includes that month bears to the Pension Index for the year in which the contributor died.

Calculation of amount of retirement pension to widow.

(4) For the purposes of subsection (2), the monthly amount of the retirement pension payable to the widow of a contributor shall be calculated without regard to sections 68 and 69, or any similar provisions of the provincial pension plan referred to in subsection (2), as the amount thereof payable to such widow for a month in the year in which she first became entitled to the widow's pension or retirement pension, as the case may be, having become entitled to the other such pension.

Calculation of widow's pension where disability pension payable.

(5) Where a widow's pension under this Act and a disability pension under this Act or under a provincial pension plan are payable to the widow of a contributor, the basic monthly amount of the widow's pension payable to such widow shall not exceed an amount that, when added to the amount of the disability pension payable to her for a

month in the year in which she first became entitled to the widow's pension or disability pension, as the case may be, having become entitled to the other such pension, equals $1/12$ of 25% of the average of the Year's Maximum Pensionable Earnings for that year and for each of the 2 preceding years.

(6) Where a widow reaches 65 years of age in 1968 or 1969 after a widow's pension has become payable to her, the monthly amount of such pension for any months in those years after she reaches that age but for which by virtue of section 66 no retirement pension is payable under this Act to a person of her age shall be calculated as though for the reference in paragraph (b) of subsection (1) of this section to the basic monthly amount mentioned therein, there were substituted a reference to the greater of that basic monthly amount or the basic monthly amount of the widow's pension payable to her immediately before she reached 65 years of age.

Saving provision where pension payable in 1968 or 1969.

Disabled Widower's Pension.

57. (1) Subject to this section, a disabled widower's pension payable to the widower of a contributor is a basic monthly amount as follows:

Amount of disabled widower's pension.

- (a) in the case of a widower who has not reached 65 years of age, a basic monthly amount consisting of
 - (i) a flat rate benefit, calculated as provided in subsection (2) of section 54, and
 - (ii) $37\frac{1}{2}\%$ of the amount of the contributor's retirement pension, calculated as provided in subsection (3); and
- (b) in the case of a widower who has reached 65 years of age, a basic monthly amount equal to 60% of the amount of the contributor's retirement pension, calculated as provided in subsection (3).

(2) Where a disabled widower's pension under this Act and a retirement pension under this Act or under a provincial pension plan are payable to the disabled widower of a contributor, the basic monthly amount of the disabled widower's pension payable to such widower is an amount that, when added to the monthly amount of the retirement pension payable to him, equals

Calculation of disabled widower's pension where retirement pension payable.

- (a) the greater of
 - (i) 60% of the total of the monthly amount of the retirement pension payable to such widower and the amount of the contributor's retirement pension, calculated as provided in subsection (3), or

- (ii) the monthly amount of the retirement pension payable to such widower plus $37\frac{1}{2}\%$ of the amount of the contributor's retirement pension, calculated as provided in subsection (3); or
- (b) $1/12$ of 25% of the average of the Year's Maximum Pensionable Earnings for the year in which the widower first became entitled to the disabled widower's pension or retirement pension, as the case may be, having become entitled to the other such pension, and for each of the 2 preceding years;

whichever is the lesser.

Calculation
of con-
tributor's
retirement
pension.

(3) The amount of the contributor's retirement pension to be used for the purposes of subsections (1) and (2) is an amount calculated as provided in paragraphs (a) and (b) of subsection (2) of section 55, multiplied, for the purpose of calculating the monthly amount of the disabled widower's pension for months commencing with the month in which the widower

(a) reached 65 years of age, not having reached that age at the time of the death of the contributor, or

(b) first became entitled to a disabled widower's pension under this Act or a retirement pension under this Act or under a provincial pension plan, having become entitled to the other such pension,

by the ratio that the Pension Index for the year that includes that month bears to the Pension Index for the year in which the contributor died.

Calculation
of amount
of retirement
pension
payable to
widower.

(4) For the purposes of subsection (2), the monthly amount of the retirement pension payable to the widower of a contributor shall be calculated without regard to sections 68 and 69, or any similar provisions of the provincial pension plan referred to in subsection (3), as the amount thereof payable to such widower for a month in the year in which he first became entitled to the disabled widower's pension or retirement pension, as the case may be, having become entitled to the other such pension.

Calculation
of widower's
pension
where
disability
pension
payable.

(5) Where a disabled widower's pension under this Act and a disability pension under this Act or under a provincial pension plan are payable to a disabled widower, the basic monthly amount of the disabled widower's pension payable to such widower shall not exceed an amount that, when added to the amount of the disability pension payable to him for a month in the year in which he first became entitled to the disabled widower's pension or disability pension, as the case may be, having become entitled to the

other such pension, equals $1/12$ of 25% of the average of the Year's Maximum Pensionable Earnings for that year and for each of the 2 preceding years.

(6) Where a widower reaches 65 years of age in 1968 or 1969 after a disabled widower's pension has become payable to him, the monthly amount of such pension for any months in those years after he reaches that age but for which by virtue of section 66 no retirement pension is payable under this Act to a person of his age shall be calculated as though for the reference in paragraph (b) of subsection (1) of this section to the basic monthly amount mentioned therein, there were substituted a reference to the greater of that basic monthly amount or the basic monthly amount of the disabled widower's pension payable to him immediately before he reached 65 years of age.

Saving provision where pension payable in 1968 or 1969.

Disabled Contributor's Child's Benefit and Orphan's Benefit.

58. (1) Subject to this section, a disabled contributor's child's benefit payable to the child of a disabled contributor and an orphan's benefit payable to the orphan of a contributor is a basic monthly amount consisting of a flat rate benefit, calculated as provided in subsection (2) of section 54.

Amount of benefit.

(2) Where the total number of disabled contributor's child's benefits or the total number of orphan's benefits payable at any time in respect of the same contributor exceeds 4, the basic monthly amount of each such benefit is the quotient obtained by dividing

Limitation.

(a) the aggregate of

(i) the amount of the flat rate benefit mentioned in subsection (1) multiplied by 4, plus

(ii) $1/2$ of the amount of the flat rate benefit mentioned in subsection (1) multiplied by the number by which the total number of such benefits payable at that time in respect of the contributor exceeds 4,

by

(b) the total number of such benefits payable at that time in respect of the contributor.

DIVISION C: PAYMENT OF BENEFITS: GENERAL PROVISIONS.

59. (1) No benefit is payable to any person under this Act unless an application therefor has been made by

Application for benefit.

him or on his behalf and payment of the benefit has been approved under this Act.

How
application
to be made.

(2) An application for a benefit shall be made in writing to the Minister through the regional, district or other office, designated by the Minister, of the Department of National Health and Welfare in the region or district or for the area in which the applicant resides.

Consideration of
application
and approval
by Minister.

(3) The Minister shall forthwith upon receiving an application for a benefit consider it and may approve payment of the benefit and determine the amount thereof payable under this Act or may determine that no benefit is payable, and he shall thereupon in writing notify the applicant of his decision.

Approval of
interim
benefit.

60. (1) Where application is made for a benefit and payment of the benefit would be approved except that the amount of the benefit cannot be finally calculated at the time the approval would otherwise be given, the Minister may approve payment of an interim benefit in such amount as he may fix and payment of the interim benefit may be made in a like manner as if the benefit had been approved.

Adjustment
to be made
when benefit
subsequently
approved.

(2) Where an interim benefit has been paid under subsection (1) and payment of a benefit is subsequently approved,

- (a) if the amount of the interim benefit was less than the amount of the benefit subsequently approved, the beneficiary shall be paid the additional amount that he would have been paid if the benefit had been approved at the time the interim benefit was approved; and
- (b) if the amount of the interim benefit exceeded the amount of the benefit subsequently approved, the amount paid in excess thereof shall be deducted from subsequent payments of the benefit or otherwise recovered in such manner as the Minister may direct.

Where
payment
approved
after
month of
commence-
ment.

61. (1) Payment of a benefit for each month shall be made in arrears at the end of the month except that, where payment of a benefit is approved after the end of the month for which the first payment of the benefit is payable under this Part, monthly payments of the benefit shall be made for months commencing with the month following the month in which payment of the benefit is approved and payments of the benefit for months preceding that month for which the benefit is payable under this Part shall be paid in one sum at the end of that month.

When benefit
deemed to
have been
payable.

(2) For the purposes of this Act, where a benefit is payable under this Part commencing with any month,

the benefit shall be deemed to have become payable at the beginning of that month.

62. (1) In this section, "survivor's pension" means a widow's pension or disabled widower's pension. "Survivor's pension" defined.

(2) Where a person whose spouse has died remarries at a time when no survivor's pension is payable to him, no survivor's pension is payable to such person during the period of his remarriage and if following the death of his spouse of that or any subsequent remarriage a survivor's pension would be payable to him if he applied for such a pension, his deceased spouse for the purposes of this Act shall be deemed to be his spouse named in the application. Where spouse remarried before survivor's pension payable.

(3) Where a person to whom a survivor's pension is being paid remarries, the survivor's pension shall be discontinued commencing with the month following the month in which he was married. Discontinuation of survivor's pension on remarriage.

(4) Where the spouse of a person whose survivor's pension has been discontinued under subsection (3) dies, such person may upon application therefor be paid a survivor's pension equal to the survivor's pension that was discontinued under subsection (3) or the survivor's pension that would have been payable by reason of the death of the spouse if no survivor's pension had been previously payable to that person, whichever is the greater. Application for survivor's pension on death of spouse of subsequent marriage.

(5) Where the marriage of a person whose survivor's pension has been discontinued under subsection (3) is terminated otherwise than by the death of his spouse, the survivor's pension previously payable to such person shall thereupon become payable to him. Payment of pension to former spouse where pension previously discontinued.

(6) Where a survivor's pension payable to a person has been discontinued under subsection (3) and subsequently a survivor's pension equal to the pension so discontinued becomes payable to such person or the pension so discontinued again becomes payable to him, the basic monthly amount of the pension thereupon payable to such person shall be calculated as though the pension discontinued under subsection (3) had not been discontinued. Calculation of basic amount of survivor's pension where pension previously discontinued.

(7) No survivor's pension is payable to the surviving spouse of a contributor by reason of the death of the contributor, if the contributor married after a retirement pension or a disability pension became payable to him, unless, in the case of a contributor who married after a disability pension became payable to him, the contributor made a contribution for earnings after his marriage. No survivor's pension where contributor married after pension became payable.

(8) Where a contributor dies within 1 year after his marriage, no survivor's pension is payable to his surviving spouse if the Minister is not satisfied that the Death within 1 year of marriage.

contributor was at the time of his marriage in such a condition of health as to justify him in having an expectation of surviving for at least 1 year thereafter.

Person
deemed to be
surviving
spouse.

- 63.** (1) For the purposes of this Act, a person who establishes to the satisfaction of the Minister that he had, for a period of not less than 7 years immediately before the death of a contributor with whom he had been residing and whom by law he was prohibited from marrying by reason of a previous marriage either of the contributor or of himself to another person, been maintained and publicly represented by the contributor as the spouse of the contributor, or
- (b) establishes to the satisfaction of the Minister that he had, for a number of years immediately before the death of a contributor with whom he had been residing, been maintained and publicly represented by the contributor as the spouse of the contributor, and that at the time of the death of the contributor neither he nor the contributor was married to any other person,

shall, if the Minister so directs, be deemed to be the surviving spouse of the contributor and to have become married to the contributor at such time as he commenced being so represented as the spouse of the contributor, and for the purposes of this Act a person to whom this subsection would apply, but for his marriage to a contributor after such time as he commenced being so represented as the spouse of the contributor, shall, if the Minister so directs, be deemed to have become married to the contributor at the time when, in fact, he commenced being so represented.

Person
deemed
to have
predeceased
contributor.

(2) If, upon the death of a contributor, it appears to the Minister that the surviving spouse of the contributor had, for a number of years immediately before the death of the contributor, been living apart from the contributor under circumstances that would have disentitled him to an order for separate maintenance under the laws of the province in which the contributor was ordinarily resident, and if the Minister so directs, having regard to the surrounding circumstances including the welfare of any children involved, he shall be deemed, for the purposes of this Act, to have predeceased the contributor.

Benefit
not to be
assigned, etc.

64. A benefit shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security a benefit is void.

65. (1) A person who has received or obtained a benefit payment to which he is not entitled, or a benefit payment in excess of the amount of the benefit payment to which he is entitled, shall forthwith return the cheque or the amount thereof, or the excess amount, as the case may be.

Return of benefit where recipient not entitled.

(2) Where a person has received or obtained a benefit payment to which he is not entitled, or a benefit payment in excess of the amount of the benefit payment to which he is entitled, the amount thereof or the excess amount, as the case may be, may be recovered at any time as a debt due to Her Majesty, and where that person is or subsequently becomes a beneficiary the amount of any such indebtedness may, in prescribed manner, be deducted and retained out of any benefit payable to him.

Recovery of amount of payment as debt due to Her Majesty.

DIVISION D: PAYMENT OF BENEFITS: SPECIAL RULES APPLICABLE.

Retirement Pension.

66. (1) Subject to section 61, where payment of a retirement pension is approved, the pension is payable for each month commencing with

Commencement of pension.

- (a) the month in which the applicant
 - (i) reached 65 years of age, having become retired from regular employment before reaching that age,
 - (ii) having reached 65 years of age but not having reached 70 years of age, became retired from regular employment, or
 - (iii) reached 70 years of age, not having become retired from regular employment before reaching that age,
 as the case may be,
 - (b) the month following the month in which the application was received, but if the applicant had reached 70 years of age before the month in which the application was received, then the later of
 - (i) the 12th month preceding the month following the month in which the application was received, or
 - (ii) the month in which he reached 70 years of age, or
 - (c) the month for which the applicant applied for the pension to commence,
- whichever is the latest.

Months for
which no
pension
payable
under Act.

(2) Notwithstanding anything in this Part, no retirement pension is payable under this Act for or commencing with

- (a) any month before January, 1967;
- (b) any month before January, 1968, in which the applicant had not reached 68 years of age;
- (c) any month before January, 1969, in which the applicant had not reached 67 years of age; or
- (d) any month before January, 1970, in which the applicant had not reached 66 years of age.

Duration of
payment.

67. Subject to this Act, a retirement pension shall continue to be paid during the lifetime of the beneficiary, and shall cease with the payment for the month in which the beneficiary dies.

Persons
under age 70
not retired
from
regular
employment.

68. (1) No retirement pension is payable under this Act to a person for any month in which that person, not having reached 70 years of age, is not retired from regular employment.

Regulations.

(2) The Governor in Council may make regulations

- (a) specifying the circumstances in which a person shall be deemed to be retired or not to be retired from regular employment, and the time when he shall be deemed to have become retired or to have ceased to be retired from regular employment;
- (b) defining for the purposes of this Part and the regulations the expression "employment earnings", and respecting the method of computing the employment earnings of a person for any period;
- (c) specifying the manner in which the employment earnings of a person for any period shall be determined, including the information and evidence to be furnished in connection therewith and the procedure to be followed in relation to the determination thereof; and
- (d) providing for the suspension of payment of any retirement pension during an investigation as to the eligibility of the pensioner to receive such payment or pending the determination of his employment earnings for any period in the manner specified by any regulation made under paragraph (c), and for the reinstatement or resumption of payment of any pension the payment of which has been so suspended.

(3) Notwithstanding anything in this Part or any regulation, a person whose employment earnings for any year do not exceed 12 times his monthly exempt earnings for that year calculated as provided in section 69 shall be conclusively presumed to be retired from regular employment in that year.

Presumption as to retirement.

69. (1) For the purposes of this section, the amount of the monthly exempt earnings of a person for a year is an amount equal to 1.5% of the Year's Maximum Pensionable Earnings for that year, if that amount is a multiple of \$5, and if that amount is not a multiple of \$5 then the amount that is the next multiple of \$5 below that amount.

Monthly exempt earnings defined.

(2) Where a retirement pension is payable to a person in a year for which his employment earnings for any months in that year after the pension has become payable but before he reaches 70 years of age exceed the product obtained by multiplying the number of such months by his monthly exempt earnings for that year, his pension for the months in that year before he reaches 70 years of age shall be reduced, in accordance with the regulations, by an amount equal to the aggregate of

Reduction of retirement pension where employment earnings in excess of specified amount.

- (a) 50 cents for each dollar by which his employment earnings for the months in that year after the pension has become payable but before he reaches 70 years of age exceed that proportion of 12 times his monthly exempt earnings for that year, that the number of such months is of 12,

plus

- (b) 50 cents for each dollar by which his employment earnings for the months mentioned in paragraph (a) exceed that proportion of 20 times his monthly exempt earnings for that year, that the number of such months is of 12.

(3) The Governor in Council may make regulations respecting the manner in which any retirement pension payable to a person shall be reduced pursuant to this section, but in no case shall any retirement pension payable to a person be so reduced for any month for which his employment earnings do not exceed his monthly exempt earnings for the year that includes that month.

Manner of reduction and saving provision.

Disability Pension.

70. Subject to section 61, where payment of a disability pension is approved, the pension is payable for each month commencing with the fourth month following the month in which the applicant became disabled.

Commencement of pension.

When pension
ceases to be
payable.

- 71.** (1) A disability pension ceases to be payable with the payment for the month in which the beneficiary
- (a) ceases to be disabled,
 - (b) reaches 65 years of age, or
 - (c) dies.

Application
for
retirement
pension
deemed to
have been
made.

- (2) Where a disability pension ceases to be payable to a person by reason of his having reached 65 years of age, an application under section 59 shall be deemed to have been made by and received from such person, in the month in which he reached that age, for a retirement pension to commence with the month following that month.

Death Benefit.

Persons
by whom
application
may be
made.

- 72.** (1) An application for a death benefit may be made on behalf of the estate of a contributor by the executor, administrator, heir or other legal representative having the ownership or control of property comprised in the estate, or by any other person to whom the benefit would, if the application were approved, be payable under this Part.

Payment of
benefit.

- (2) Where payment of a death benefit is approved, the amount thereof shall be paid to the estate of the contributor in a lump sum or, if less than such amount as may be prescribed, to such person or persons and in such manner as may be prescribed.

Widow's Pension.

Commence-
ment of
pension.

- 73.** Subject to section 61, where payment of a widow's pension is approved, the pension is payable for each month commencing with the month following

- (a) the month in which the contributor died, in the case of a widow who at the time of the death of the contributor had reached 35 years of age or was a widow with dependent children,
 - (b) the month in which the widow became a widow who, not having reached 65 years of age, is disabled, in the case of a widow other than a widow described in paragraph (a), or
 - (c) the month in which the widow reached 65 years of age, in the case of a widow other than a widow described in paragraph (a) or (b),
- but in no case earlier than the 12th month preceding the month following the month in which the application was received.

74. Subject to this Act, a widow's pension shall continue to be paid during the lifetime of the beneficiary, and shall cease with the payment for the month in which the beneficiary dies.

Duration of
payment.

Disabled Widower's Pension.

75. Subject to section 61, where payment of a disabled widower's pension is approved, the pension is payable for each month commencing with the month following the month in which the contributor died, but in no case earlier than the 12th month preceding the month following the month in which the application was received.

Commence-
ment of
pension.

76. Subject to this Act, a disabled widower's pension shall continue to be paid during the lifetime of the beneficiary, but shall cease with the payment for the month in which the beneficiary ceases to be disabled or dies.

Duration of
payment.

*Disabled Contributor's Child's Benefit and
Orphan's Benefit.*

77. (1) An application for a disabled contributor's child's benefit or orphan's benefit may be made on behalf of a disabled contributor's child or orphan by such child or orphan or by any other person or agency to whom the benefit would, if the application were approved, be payable under this Part.

Persons
by whom
application
may be
made.

(2) Subject to section 61, where payment of a disabled contributor's child's benefit or orphan's benefit in respect of a contributor is approved, the benefit is payable for each month commencing with,

Commence-
ment of
payment of
benefit.

- (a) in the case of a disabled contributor's child's benefit, the month commencing with which a disability pension is payable to the contributor under this Act or under a provincial pension plan; and
- (b) in the case of an orphan's benefit, the month following the month in which the contributor died, but in no case earlier than the 12th month preceding the month following the month in which the application was received.

(3) Where a disabled contributor's child's benefit has become payable to a child under this Act or under a provincial pension plan in respect of any contributor thereunder or an orphan's benefit has become payable to an orphan under this Act or under a provincial pension plan in respect of any contributor thereunder, no disabled contributor's child's benefit or orphan's benefit is payable to that

No benefit in
respect of
more than
one
contributor.

person under this Act in respect of any other such contributor.

No benefit unless child of contributor when contributor disabled.

(4) Except as provided by regulation, no disabled contributor's child's benefit is payable to a child of a disabled contributor unless the child was a child of the contributor at the time the contributor became disabled.

Payment of benefit.

78. Where a disabled contributor's child's benefit is payable to a child of a disabled contributor or an orphan's benefit is payable to an orphan of a contributor, payment thereof shall, if the child or orphan has not reached 18 years of age, be made to the person or agency having the custody and control of the child or orphan, or, where there is no person or agency having such custody and control, to such person or agency as the Minister may direct, and for the purposes of this Part,

- (a) the contributor, in relation to a disabled contributor's child, except where the child is living apart from the contributor, and
- (b) the surviving spouse, if any, of the contributor, in relation to an orphan, except where the orphan is living apart from the spouse,

shall be presumed, in the absence of any evidence to the contrary, to be the person having such custody and control.

When benefit ceases to be payable.

79. A disabled contributor's child's benefit or orphan's benefit ceases to be payable with the payment for the month in which the beneficiary ceases to be a child of a disabled contributor to whom a disability pension is payable under this Act or under a provincial pension plan or ceases to be an orphan, as the case may be, within the meaning of this Part, or dies.

DIVISION E: PAYMENT OF BENEFITS: AMOUNT PAYABLE UNDER CANADA PENSION PLAN.

Amount of benefit payable under Act.

80. Where by virtue of any provision of this Act other than this section, a benefit is payable under this Act to or in respect of any contributor, notwithstanding anything in this Part except as provided in section 82, the amount of such benefit that is payable under this Act is an amount equal to that proportion of the amount of the benefit payable to or in respect of the contributor, calculated as provided in this Part without regard to the provisions of this section, that

- (a) the total pensionable earnings of the contributor attributable to contributions made under this Act,

are of

- (b) the total pensionable earnings of the contributor.

81. The total pensionable earnings of a contributor attributable to contributions made under this Act are an amount equal to the amount that his total pensionable earnings would be if the unadjusted pensionable earnings of the contributor for a year were that proportion of his unadjusted pensionable earnings for the year that

Total pensionable earnings attributable to contributions made under Act defined.

- (a) his earnings on which a contribution has been made for the year under this Act, calculated as provided in subparagraph (i) of paragraph (b) of section 53,

are of

- (b) the aggregate of the amount mentioned in paragraph (a) and his earnings on which a contribution has been made for the year under a provincial pension plan, calculated as provided in subparagraph (ii) of paragraph (b) of section 53.

82. (1) Notwithstanding section 80, the Minister, with the approval of the Governor in Council, may on behalf of the Government of Canada enter into an agreement with the appropriate authority of a province providing a comprehensive pension plan, for the payment under this Act in accordance with such agreement of the whole amount of any benefit payable to or in respect of a contributor, calculated as provided in this Part without regard to the provisions of section 80, in which case the whole amount of such benefit shall be deemed to be payable under this Act to or in respect of that contributor.

Payment of benefits in accordance with agreement with province.

(2) Where in accordance with any agreement entered into under subsection (1), the whole amount of any benefit payable to or in respect of a contributor, calculated in a manner similar to that described in subsection (1), is payable under the provincial pension plan referred to in that subsection, the whole amount of such benefit shall be deemed to be payable under the provincial pension plan to or in respect of that contributor.

Saving provision.

(3) Any agreement entered into under subsection (1) may provide therein for the making of any financial adjustments required to be made by reason of any payments made to or in respect of a contributor in accordance with such agreement, and for the crediting or charging of the amount of such adjustments to the Canada Pension Plan Account.

Provision for making of financial adjustments.

DIVISION F: APPEALS.

Appeal to
Minister.

83. (1) Where an applicant is dissatisfied with any decision made under section 59 or where a beneficiary is dissatisfied with any determination as to the amount of any benefit payable to him or as to his eligibility to receive such benefit, he may appeal to the Minister in writing addressed to the Deputy Minister of Welfare, Department of National Health and Welfare, Ottawa, for a reconsideration of such decision or determination.

Reconsideration by
Minister and
decision.

(2) The Minister shall forthwith reconsider the decision or determination and may confirm or vary it, and may approve payment of a benefit to the applicant or beneficiary, determine the amount thereof or determine that no benefit is payable to him, and shall thereupon in writing notify the applicant or beneficiary of his decision and of his reasons therefor.

Appeal
to Review
Committee.

84. (1) An applicant or beneficiary who is dissatisfied with a decision of the Minister under section 83 may appeal from the decision to a Review Committee within 90 days from the day the decision is communicated to him or within such longer period as the Minister may allow.

Constitution
of Review
Committee

(2) A Review Committee shall consist of three members resident in Canada, one to be appointed by the applicant or beneficiary, one to be appointed on behalf of the Minister, and one to be appointed by the two members so appointed, who shall be the Chairman.

Appointment
of Chairman.

(3) If the two members appointed to a Review Committee by the applicant or beneficiary and on behalf of the Minister are unable to agree on the appointment of the Chairman, the Chairman may be appointed by a judge of a superior, district or county court of the province in which the applicant or beneficiary resides, or, where the applicant or beneficiary does not reside in Canada, of the province in which the member appointed by the applicant or beneficiary resides, on summary application made to such judge by or on behalf of the member appointed by the applicant or beneficiary and the member appointed on behalf of the Minister.

Hearing.

(4) An appeal to a Review Committee shall be heard at such place in Canada as may be fixed by the Chairman of the Committee, having regard to the convenience of the applicant or beneficiary and the Minister.

Decision of
majority.

(5) A decision of the majority of the members of a Review Committee is a decision of the Committee.

Powers of
Review
Committee.

(6) A Review Committee may affirm or vary a decision of the Minister under section 83, and may take

any action in relation thereto that might have been taken by the Minister under that section, and shall thereupon in writing notify the applicant or beneficiary and the Minister of its decision and of its reasons therefor.

85. (1) An applicant or beneficiary or the Minister, if dissatisfied by a decision of a Review Committee under section 84, may with the leave of the Chairman of the Pension Appeals Board, appeal from the decision of a Review Committee to the Pension Appeals Board within 90 days from the day the decision is communicated to him or within such longer period as the Pension Appeals Board upon application made to it within those 90 days may allow.

Appeal to
Pension
Appeals
Board.

(2) The Pension Appeals Board shall consist of the following members to be appointed by the Governor in Council:

Constitution
of Board.

(a) a Chairman, who shall be a judge of the Exchequer Court of Canada or of a superior court of a province; and

(b) not less than two and not more than five other persons, each of whom shall be a judge of the Exchequer Court of Canada or of a superior, district or county court of a province.

(3) The Chairman of the Pension Appeals Board shall preside at sittings of the Board at which he is present and shall designate another member to preside at any sittings of the Board at which he is not present.

Chairman to
preside at
sittings.

(4) The Pension Appeals Board may sit and hear appeals at any place or places in Canada and the Chairman of the Board shall arrange for sittings and hearings accordingly.

Hearings
of the
Board.

(5) Three members of the Pension Appeals Board constitute a quorum and the decision on any appeal of a majority of members of the Board present at the hearing thereof is a decision of the Board.

Quorum
and
decision.

(6) The Pension Appeals Board may affirm or vary a decision of a Review Committee under section 84, and may take any action in relation thereto that might have been taken by the Review Committee under that section, and shall thereupon in writing notify the parties to the appeal of its decision and of its reasons therefor.

Powers of
Pension
Appeals
Board.

86. (1) A Review Committee and the Pension Appeals Board have authority to determine any question of law or fact as to whether any benefit is payable to a person or the amount of any such benefit, and the decision of a Review Committee, except as provided in this Act, or the decision of the Pension Appeals Board, as the case may be, is final and binding for all purposes of this Act.

Authority
to determine
questions of
law or fact.

Rescission or amendment of decision.

(2) The Minister, a Review Committee or the Pension Appeals Board may, notwithstanding subsection (1), on new facts, rescind or amend a decision under this Act given by him or it, as the case may be.

No appeal from decision as to age.

(3) Notwithstanding anything in this Part, no appeal lies to the Pension Appeals Board from a decision of a Review Committee as to the age of any applicant or beneficiary.

Appeals under provincial pension plan.

87. Where the legislature of a province providing a comprehensive pension plan has enacted a law under which it is provided that the Pension Appeals Board has jurisdiction to consider and render a decision on an appeal under the provincial pension plan of that province from a determination or decision made under the provisions of that plan, the Pension Appeals Board shall, in accordance with such rules regulating the procedure to be followed on any such appeal to it as may be prescribed, consider the matter of any such appeal and render a decision thereon, and shall thereupon in prescribed form and manner notify the parties to the appeal of its decision and of its reasons therefor.

Attendance before Pension Appeals Board.

88. Where on an appeal to the Pension Appeals Board from a decision of a Review Committee a person affected by the decision is requested by the Board to attend before it on the hearing of the appeal and so attends, he is entitled to be paid such travelling and other allowances, including compensation for loss of remuneration, as may be fixed by the Treasury Board.

DIVISION G: GENERAL.

Census information.

89. Subject to such conditions as may be prescribed, the Minister is entitled, for the purpose of ascertaining the age of any applicant or beneficiary, to obtain from the Dominion Bureau of Statistics, upon request, any information respecting the age of an applicant or beneficiary that is contained in the returns of any census taken more than 30 years before the date of the request.

Presumption as to death of contributor or beneficiary.

90. (1) Where a contributor or beneficiary has disappeared under circumstances that, in the opinion of the Minister, raise beyond a reasonable doubt a presumption that he is dead, the Minister may issue a certificate declaring that the contributor or beneficiary is presumed to be dead and stating the date upon which his death is presumed to have occurred, and thereupon the contributor or beneficiary shall be deemed for all purposes of this Act to have died on the date so stated in the certificate.

(2) Notwithstanding subsection (1), if after the issue of a certificate under that subsection it is made to appear that the contributor or beneficiary named in the certificate did not in fact die on the date stated therein, the certificate has effect as provided in subsection (1) in relation to any period before such time as it is made to appear that he did not in fact so die, but no effect in relation to any period after that time.

Effect of
certificate.

Regulations.

- 91.** (1) The Governor in Council may make regula-
tions
- Regulations.
- (a) prescribing or defining anything that, by this Part, is to be prescribed or defined by regulations;
 - (b) prescribing the time, manner and form of making applications for benefits, and the information and evidence to be furnished in connection therewith and the procedures to be followed in dealing with and approving applications;
 - (c) regulating the procedure to be followed on appeals to a Review Committee or the Pension Appeals Board under this Act, and the procedure to be followed on any appeal to the Pension Appeals Board described in section 87;
 - (d) providing for the making of an application by and the payment of a benefit to any person or agency on behalf of any other person or beneficiary where it is established in such manner and by such evidence as may be prescribed that such other person or beneficiary is by reason of infirmity, illness, insanity or other cause incapable of managing his own affairs, and prescribing the manner in which any benefit authorized to be paid to any such person or agency on behalf of a beneficiary shall be administered and expended for the benefit of the beneficiary and accounted for;
 - (e) respecting the determination of disability subject to this Part, and the conditions upon which any amount as or on account of a benefit in respect of the disability of a person shall be paid or shall continue to be paid, including the initial and subsequent periodic or other assessments of such disability and the reasonable rehabilitation measures to be undergone by such person, and providing for the payment out

of the Consolidated Revenue Fund of the cost of any such assessments of disability and rehabilitation measures and for the charging of the amount thereof to the Canada Pension Plan Account as a cost of administration of this Act;

- (f) providing that the failure of a person to undergo any assessment of disability or reasonable rehabilitation measure as required by any regulation made under paragraph (e), without good cause as defined by regulation, shall be a ground on which that person may be determined to have ceased to be disabled;
- (g) providing, in the case of any benefit that becomes payable to a person to whom no pension is then payable under the *Old Age Security Act*, the basic monthly amount of which benefit is less than such amount, not exceeding \$10, as may be prescribed, for the commutation of such benefit in such circumstances and in accordance with such methods and bases as may be prescribed and for the payment to that person in the place of such benefit of an amount equal to the commuted value thereof, or for the payment of such benefit at prescribed intervals less frequent than monthly;
- (h) respecting the payment of any amount on account of a benefit under this Act that remains unpaid at any time after the death of the beneficiary;
- (i) respecting the terms and conditions governing the payment of benefits in accordance with any agreement under subsection (1) of section 82 that may be entered into by the Minister on behalf of the Government of Canada;
- (j) providing, in any case or class of cases not covered by the provisions of an agreement under subsection (1) of section 82, for the issue of cheques by the Government of Canada in the amount of any benefit payable under this Act to or in respect of a contributor and in the amount of any like benefit payable under a provincial pension plan to or in respect of the same contributor, if arrangements satisfactory to the Governor in Council have been made with the government of that province for the issue of cheques by the government of that province on a reciprocal basis and for the making of any financial adjustments by such

government required to be made by reason thereof, and providing for the making of any financial adjustments by the Government of Canada required to be made by reason of such arrangements and for the crediting or charging of the amount thereof to the Canada Pension Plan Account; and

- (k) generally for carrying out the purposes and provisions of this Part.

(2) The Minister may make regulations authorizing any designated officer or class of officers to exercise any powers or perform any duties of the Minister under this Part.

Regulations
of Minister

Offences.

92. Every person who

Offence and
punishment.

- (a) knowingly makes a false or misleading statement in any application or declaration or makes any application or declaration that by reason of any non-disclosure of facts is false or misleading, or obtains any benefit payment by false pretences;
- (b) being the payee thereof, negotiates or attempts to negotiate any cheque for a benefit to which he is not entitled; or
- (c) knowingly fails to return any cheque or the amount thereof or any excess amount as required by section 65;

is guilty of an offence punishable on summary conviction.

PART III.

ADMINISTRATION.

93. In this Part, "Minister" means the Minister of National Health and Welfare.

"Minister"
defined

GENERAL.

94. (1) The Minister has the control and direction of the administration of this Act other than Part I.

Administra-
tion of Act.

(2) The Minister of National Revenue has the control and direction of the administration of Part I and shall from time to time each year report to the Minister

Duties of
Minister of
National
Revenue.

- (a) such information obtained under this Act with respect to the earnings and contributions of any contributor as is required by the Minister

to permit the calculation of the amount of the unadjusted pensionable earnings to be shown to the account of the contributor in the Record of Earnings established under section 97, and to identify in the Record of Earnings the unadjusted pensionable earnings of contributors by provinces, according to information contained in returns made pursuant to Part I;

- (b) such information obtained with respect to the earnings of any person as is required by the Minister to permit the determination of the amount of any benefit that may be payable under this Act to or in respect of that person or of the amount of any benefit that may be payable to or in respect of that person by reason of which any financial adjustment may be required to be made pursuant to any agreement entered into under subsection (1) of section 82; and
- (c) such statistical and other general information as is necessary for the administration of this Act including the conduct of actuarial and other studies relating to the operation of this Act.

Duty of
Comptroller
of Treasury.

95. The Comptroller of the Treasury shall furnish to the Minister such assistance in the administration of this Act as the Governor in Council may direct.

Duty of Un-
employment
Insurance
Commission.

96. The Unemployment Insurance Commission shall furnish to the Minister and to the Minister of National Revenue such assistance in the administration of this Act as the Governor in Council may direct.

RECORDS AND INFORMATION.

Record of
Earnings.

97. The Minister shall cause to be established such records, to be known as the Record of Earnings, of information obtained under this Act with respect to the earnings and contributions of contributors, including information obtained pursuant to any agreement entered into under section 108 with respect to such earnings and contributions, as are necessary to permit

- (a) the determination of the amount of any benefit that may be payable under this Act to or in respect of any contributor;
- (b) the calculation of the amount of any financial adjustment that may be required to be made

- pursuant to any agreement entered into under subsection (1) of section 82; and
- (c) the identification of the unadjusted pensionable earnings of contributors by provinces, according to information contained in returns made pursuant to Part I.

98. (1) Subject to the provisions of any agreement entered into under section 108, every contributor may, not more frequently than once in any period of 12 months, require the Minister, by application made in prescribed manner, to inform him of the unadjusted pensionable earnings shown to his account in the Record of Earnings, and where a contributor is not satisfied with the statement of the earnings shown to his account in the Record of Earnings furnished to him by the Minister under this section, he may request that the statement be reconsidered by the Minister.

Application for statement of earnings and request for reconsideration.

(2) The provisions of sections 83 to 86 apply *mutatis mutandis* to any request made under subsection (1) as though it were an application for a benefit.

Application of sections 83 to 86.

(3) Notwithstanding anything in this section, where any entry has been made in the Record of Earnings relating to a contributor based on information with respect to the earnings and contributions of contributors obtained pursuant to any agreement entered into under section 108, no change shall be made in such entry except in accordance with that agreement.

Exception.

99. (1) Notwithstanding section 98, except as provided in this section any entry in the Record of Earnings relating to the earnings or a contribution of a contributor shall be conclusively presumed to be accurate and may not be called into question after 4 years have elapsed from the end of the year to which the entry purports to relate.

Entry in Record of Earnings presumed to be accurate.

(2) If, from information furnished by or obtained from the records of an employer, or a person required to make a contribution in respect of his self-employed earnings, after the time specified in subsection (1), it appears to the Minister that the amount of the unadjusted pensionable earnings shown in the Record of Earnings to the account of an employee of such employer or to the account of that person is less than the amount that should be so shown in such Record, the Minister may cause the Record of Earnings to be rectified in order to show the amount of the unadjusted pensionable earnings of the contributor that should be so shown therein.

Rectification of Record in certain cases.

(3) Where the amount of the unadjusted pensionable earnings of a contributor shown to his account in the Record of Earnings is increased pursuant to sub-

Idem.

section (2) and it appears to the Minister that the earnings and contributions with respect to which that amount is so increased have been incorrectly shown in such Record to the account of another contributor, the Minister may cause the Record of Earnings to be rectified by reducing the amount of the unadjusted pensionable earnings shown in such Record to the account of that other contributor by such part of that amount as has been incorrectly so shown therein.

Notice of
rectification
to be given.

(4) Whenever any reduction is made in the amount of the unadjusted pensionable earnings of a contributor shown to his account in the Record of Earnings, whether pursuant to subsection (3) or otherwise, and it appears from the Record of Earnings that prior to the making of such reduction the contributor had been informed under section 98 of the amount of such earnings shown to his account in the Record of Earnings, the Minister shall notify the contributor in prescribed manner of his action and if the contributor is not satisfied with the amount of the reduction so made, he may request that such action be reconsidered by the Minister and the provisions of sections 83 to 86 shall apply *mutatis mutandis* to such request as though it were an application for a benefit.

Application
for
assignment
of Social
Insurance
Number.

100. (1) Every individual who has reached 18 years of age on or before a day to be fixed by proclamation of the Governor in Council and who is employed in pensionable employment on that day shall within 30 days after that day, if he has not earlier been assigned a Social Insurance Number, file an application with the Minister, in such form and manner as may be prescribed, for the assignment to him of a Social Insurance Number.

Idem.

(2) Every individual

- (a) who has reached 18 years of age on or before the day fixed by proclamation under subsection (1) and who is not employed in pensionable employment on that day but thereafter becomes employed in pensionable employment, or
- (b) who reaches 18 years of age after the day fixed by such proclamation and is or becomes employed in pensionable employment on or after reaching that age,

shall within 30 days after he reaches 18 years of age or becomes employed in pensionable employment, as the case may be, if he has not earlier been assigned a Social Insurance Number, file an application with the Minister, in such form and manner as may be prescribed, for the assignment to him of a Social Insurance Number.

(3) Every individual who is required by section 31 to file a return of his self-employed earnings for a year, other than an individual to whom subsection (1) or (2) applies, shall on or before the 1st day on or before which he is required by section 34 to pay any amount as or on account of the contribution required to be made by him for that year in respect of those earnings, if he has not earlier been assigned a Social Insurance Number, apply to the Minister, in such form and manner as may be prescribed, for the assignment to him of a Social Insurance Number. Idem.

(4) The Minister shall, upon application by an individual to whom a Social Insurance Number has not earlier been assigned, cause a Social Insurance Number to be assigned to him and a Social Insurance Number Card issued to him. Assignment of Social Insurance Number and issue of Number Card.

(5) Every employer who employs an employee in pensionable employment shall, Employer to maintain record of Social Insurance Number.

(a) in the case of an employee to whom subsection (1) applies, within 30 days after the day fixed by proclamation under subsection (1);

(b) in the case of an employee to whom paragraph (a) of subsection (2) applies, within 30 days after the employee becomes so employed; and

(c) in the case of an employee to whom paragraph (b) of subsection (2) applies, within 30 days after the employee reaches 18 years of age or becomes so employed, whichever is the later,

require the employee to produce to him his Social Insurance Number Card and shall maintain a record of the Social Insurance Number of each such employee.

(6) Every employee who is required by subsection (5) to produce his Social Insurance Number Card to his employer shall produce such Card to his employer within 30 days after being so required. Employee to produce Number Card.

101. (1) An application for a Social Insurance Number shall be signed by the applicant in his own hand but where the applicant is unable to sign his own name, he may attest the application by making his mark in the presence of two witnesses whose names and signatures shall be shown thereon. Application to be signed by applicant.

(2) Where at any time an individual to whom a Social Insurance Number Card has been issued changes his name, by reason of marriage or otherwise, Change of name.

(a) if at that time he is employed in pensionable employment he shall, within 60 days after changing his name, or

(b) if at that time he is not employed in pensionable employment but thereafter becomes so em-

employed or is required to make a contribution under this Act in respect of his self-employed earnings he shall, within 60 days after becoming so employed or after the 1st day on or before which he is requested by section 34 to pay any amount as or on account of the contribution required to be made by him in respect of those earnings, as the case may be,

apply to the Minister for the issue to him of a new Social Insurance Number Card in his new name, unless he has already made such an application to another authority empowered to receive such an application.

Effect of
failure
to file
application
under s. 100.

102. (1) Where a person who is required to file an application to be assigned a Social Insurance Number under subsection (1) or (2) of section 100 fails to file an application in accordance with that subsection, he may nevertheless, on application by him, be assigned a Social Insurance Number but no earnings in respect of which he might have or has contributed under this Act during the period before the first day of the month in which he applies to be assigned a Social Insurance Number shall be taken into account in calculating his unadjusted pensionable earnings for any of the purposes of this Act.

Idem.

(2) Where a person who is required to file an application to be assigned a Social Insurance Number under subsection (3) of section 100 fails to file an application in accordance with that subsection, he may nevertheless, on application by him, be assigned a Social Insurance Number but except as provided by regulation no self-employed earnings in respect of which he is required to make a contribution for any year under this Act shall be taken into account in calculating his unadjusted pensionable earnings for any of the purposes of this Act unless he applies to be assigned a Social Insurance Number on or before the day on or before which a return of his self-employed earnings for that year is required to be filed by him under section 31.

Agreement
respecting
assignment
of Social
Insurance
Numbers.

103. (1) The Minister may, on behalf of the Government of Canada, enter into an agreement with the government of a province providing a comprehensive pension plan under which the Minister may cause Social Insurance Numbers to be assigned to persons to whom a Social Insurance Number has not earlier been assigned, on the basis of applications made by such persons to the appropriate authority in that province.

Numbers
deemed to
have been
assigned
under Act.

(2) Any Social Insurance Numbers caused to be assigned by the Minister under any agreement entered into under subsection (1) shall be deemed for all purposes of this Act to have been assigned under this Act.

- 104.** The Governor in Council may make regulations Regulations
- (a) requiring employers to distribute to their employees applications and other material relating to applications for Social Insurance Numbers;
 - (b) prescribing districts for purposes of assigning Social Insurance Numbers, in which persons who reside therein may file their applications for Social Insurance Numbers and, having regard to the public convenience, the place or places within each such district at which such persons may apply;
 - (c) prescribing the conditions upon which and manner in which Social Insurance Number Cards that have been lost or destroyed may be replaced;
 - (d) prescribing the conditions upon which and the circumstances in which any self-employed earnings of a person for a year may be taken into account in calculating his unadjusted pensionable earnings in any case where no application to be assigned a Social Insurance Number has been made by him on or before the day mentioned in subsection (2) of section 102; and
 - (e) generally for carrying out the purposes and provisions of this Part.

105. (1) Every person who, in his application for a Social Insurance Number, knowingly furnishes any false or misleading information is guilty of an offence punishable on summary conviction. Offence and punishment.

(2) Every person who has been assigned a Social Insurance Number and who knowingly makes application again to be assigned a Social Insurance Number, whether giving the same or different information in such application as in his previous application, and whether or not he is assigned a Social Insurance Number again, is guilty of an offence punishable on summary conviction. Idem.

(3) Every employer who fails to comply with subsection (5) of section 100 or any regulation made under paragraph (a) of section 104 is guilty of an offence and is liable on summary conviction to a fine not exceeding \$100. Idem.

106. (1) A prosecution for an offence under this Act may be commenced at any time within, but not later than, 5 years from the time when the subject matter of the prosecution arose. Time limit for prosecution.

(2) Where a corporation is guilty of an offence under this Act, every officer, director or agent of the corpo- Corporations.

ration who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted therefor.

Information
or complaint

(3) Subsection (6) of section 42 applies with respect to an information or complaint under any of the provisions of this Act other than Part I, as though for the reference therein to the Department of National Revenue and the Minister thereof there were substituted a reference to the Department of National Health and Welfare and the Minister.

Communi-
cation of
privileged
information
obtained
under Act

107. (1) Except as provided in this section, all information with respect to any individual contributor or beneficiary obtained by an officer, clerk or employee of Her Majesty in the course of the administration of this Act is privileged, and no such officer, clerk or employee shall knowingly, except as provided in this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any such person to inspect or have access to any statement or other writing containing any such information.

Exception
where
request in
writing.

(2) Any information with respect to an individual contributor or beneficiary obtained by an officer, clerk or employee of Her Majesty in the course of the administration of this Act may, upon request in writing to the Minister by or on behalf of the contributor or beneficiary or the legal representative of such person, be communicated to any person or authority named in the request upon such conditions and in such circumstances as may be prescribed.

Exception re
information
obtained on
behalf of
Minister in
certain cir-
cumstances

(3) Any information obtained by an officer, clerk or employee in the Department of National Health and Welfare pursuant to this Act or any regulation may be made available to an officer, clerk or employee in the Department of National Revenue, the Department of Finance, the Unemployment Insurance Commission, the Department of Insurance or the Dominion Bureau of Statistics where it is necessary to do so for the purposes of the administration of this Act.

Exception re
information
obtained
by other
persons and
information
as to Social
Insurance
Numbers.

(4) Notwithstanding any other Act or law,
(a) any information obtained by an officer, clerk or employee in the Department of National Revenue, the Department of Finance or the Unemployment Insurance Commission for the purposes of the administration of this Act may be communicated by him to an officer, clerk or employee in the Department of National Health

and Welfare, the Department of National Revenue, the Department of Finance, the Department of Insurance or the Unemployment Insurance Commission for the purposes of the administration of this Act; and

- (b) where Social Insurance Numbers have been assigned under the authority of any other Act of Parliament, the Minister or other authority charged with the administration of that Act and the Minister may exchange any information contained in applications for such numbers and any numbers so assigned, and may make or cause to be made available any such information or numbers in such manner as may be authorized by that Act.

(5) Notwithstanding any other Act or law, no officer, clerk or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing any information so privileged.

Evidence and production of documents.

(6) Subsections (1) and (5) do not apply in respect of proceedings relating to the administration or enforcement of this Act.

Application of ss. (1) and (5).

(7) Every officer, clerk or employee of Her Majesty who contravenes this section is guilty of an offence punishable on summary conviction.

Offence and punishment.

108. (1) The Minister may, on behalf of the Government of Canada, enter into an agreement with the government of a province providing a comprehensive pension plan,

Agreement with province for exchange of records and furnishing of information.

- (a) under which any information obtained under this Act, including records of any amounts that are shown in the Record of Earnings to the accounts of persons who have made contributions under this Act and under the provincial pension plan of that province and that relate to the contributions made by those persons under this Act, may be furnished under prescribed conditions to the appropriate authority of that province having the administration of the provincial pension plan, and under which any information obtained under the provincial pension plan may be furnished on a reciprocal basis to the Minister; and
- (b) under which the Minister or the appropriate authority of that province, in accordance with such terms and conditions as may be specified

in the agreement, may furnish to any person who has made contributions under this Act and under the provincial pension plan a statement of any amounts shown in the Record of Earnings or the appropriate records established under the provincial pension plan, as the case may be, to the account of such person, and may act upon or give effect to any request made by such person for reconsideration by the Minister or such appropriate authority, as the case may be, of any statement so furnished to him.

Agreements
with
provinces for
exchange of
information.

(2) The Minister may, on behalf of the Government of Canada, enter into an agreement with the government of any province for the purpose of obtaining information in connection with the administration and enforcement of this Act, and the Minister may, if he deems it in the public interest so to do, furnish to the government of any province, under prescribed conditions, information obtained by the Minister or on his behalf in the course of the administration or enforcement of this Act.

RECIPROCAL AGREEMENTS WITH OTHER COUNTRIES.

Reciprocal
arrangements
re adminis-
tration, etc.

109. (1) Where under any law of a country other than Canada, provision is made for the payment of old age or other benefits including survivors' or disability benefits, the Minister may, on behalf of the Government of Canada, upon such terms and conditions as may be approved by the Governor in Council, enter into an agreement with the government of that country for the making of reciprocal arrangements relating to the administration or operation of that law and of this Act, including, without restricting the generality of the foregoing, arrangements relating to

- (a) the exchange of such information obtained under that law or this Act as may be necessary to give effect to any such arrangements;
- (b) the administration of benefits payable under this Act to persons resident in that country, and the extension of benefits under that law or this Act to and in respect of persons employed in or resident in that country; and
- (c) the administration of benefits payable under that law to persons resident in Canada, and the extension of benefits under that law or this Act to and in respect of persons employed in or resident in Canada;

and, subject to subsection (3), any such agreement may extend to and include similar arrangements with respect to any provincial pension plan.

(2) For the purpose of giving effect to any agreement entered into under subsection (1), the Governor in Council may make such regulations respecting the manner in which the provisions of this Act shall apply to any case or class of cases affected by the agreement, and for adapting the provisions of this Act thereto, as appear to the Governor in Council to be necessary for that purpose, and any regulations so made may provide therein for the making of any financial adjustments required under the agreement and for the crediting or charging of the amount of any such adjustments to the Canada Pension Plan Account.

Regulations
for giving
effect to
agreements.

(3) Where the government of a province providing a comprehensive pension plan requests the Government of Canada to enter into an agreement under this section with the government of a country under any law of which provision is made for the payment of old age or other benefits including survivors' or disability benefits, the Minister, with the approval of the Governor in Council, may enter into an agreement with the government of that country for the making of reciprocal arrangements relating to any of the matters referred to in subsection (1) with respect to the provincial pension plan of that province, if that plan makes provision for entering into such an agreement and for the carrying out of the provisions thereof, including the making of any financial adjustment required to be made for that purpose and the crediting or charging of the amount of any such adjustment to the appropriate account or accounts established under that plan.

Agreements
with respect
to provincial
pension plan.

FINANCIAL PROVISIONS.

110. (1) There shall be established in the accounts of Canada an account to be known as the Canada Pension Plan Account.

Canada
Pension Plan
Account
established.

(2) There shall be paid into the Consolidated Revenue Fund and credited to the Canada Pension Plan Account,

Amounts to
be credited
to Account.

- (a) all amounts received under this Act as or on account of contributions or otherwise;
- (b) all amounts required to be credited to the Canada Pension Plan Account pursuant to any agreement entered into under subsection (1) of section 40 or subsection (1) of section 82 or pursuant to any regulation made under

paragraph (j) of subsection (1) of section 91 or subsection (2) of section 109; and

- (c) all interest on securities purchased by the Minister of Finance under section 112 and all interest credited to the Canada Pension Plan Account under that section.

Amounts to
be charged
to Account.

(3) There shall be paid out of the Consolidated Revenue Fund and charged to the Canada Pension Plan Account,

- (a) all amounts payable under this Act as or on account of benefits or otherwise;
- (b) all amounts required to be charged to the Canada Pension Plan Account pursuant to any agreement entered into under subsection (1) of section 40 or subsection (1) of section 82 or pursuant to any regulation made under paragraph (j) of subsection (1) of section 91 or subsection (2) of section 109; and
- (c) the costs of administration of this Act, under the authority of Parliament.

Limitation.

(4) No payment shall be made out of the Consolidated Revenue Fund under this section in excess of the amount of the balance to the credit of the Canada Pension Plan Account.

Canada
Pension Plan
Investment
Fund
established.

111. (1) There shall be established in the accounts of Canada an account to be known as the Canada Pension Plan Investment Fund.

Amounts to
be charged
and credited
to Investment
Fund.

(2) There shall be paid out of the Consolidated Revenue Fund and charged to the Canada Pension Plan Investment Fund the cost of all securities purchased by the Minister of Finance under section 112, and there shall be paid into the Consolidated Revenue Fund and credited to the Canada Pension Plan Investment Fund the proceeds of redemption in whole or in part of any securities purchased by him under that section.

Definitions.
"Operating
balance."

112. (1) In this section and in sections 113 and 114, "operating balance" means the amount of the balance to the credit of the Canada Pension Plan Account less the balance in the Canada Pension Plan Investment Fund;

"Province."

- (b) "province" does not include the Yukon Territory or the Northwest Territories; and

"Security."

- (c) "security" means,
- (i) as applied to Canada, an obligation of the Government of Canada, and
- (ii) as applied to a province, an obligation of the government of that province, or an

obligation of any agent of Her Majesty in right of that province that is guaranteed as to principal and interest by the government thereof,

and that complies with the conditions set out in section 113.

(2) Interest shall be credited to the Canada Pension Plan Account on the last day of each month, calculated at such rate on the average daily operating balance in the said Account for the preceding month as the Minister of Finance may fix.

Interest to be credited to Account monthly.

(3) Where in any month the operating balance in the Canada Pension Plan Account exceeds the amount that the Minister of Finance estimates will be required to meet all payments under subsection (3) of section 110 in the immediately following period ending 3 months after the end of that month, the amount of the excess in that month shall be available for the purchase of securities of the provinces and securities of Canada as provided in this section.

Amount available for purchase of securities.

(4) The part of the excess referred to in subsection (3) in any month that shall be available for the purchase of securities of any one province is that proportion of the amount of such excess that

Province's proportionate amount of excess available for purchase of securities.

- (a) the total amount of all contributions credited to the Canada Pension Plan Account, during the 120 months preceding that month, in respect of employment in that province and in respect of self-employed earnings of persons resident in that province, as estimated by the Minister of National Revenue,

is of

- (b) the total amount of all contributions credited to the said Account during those 120 months, as estimated by the Minister of National Revenue;

and the Minister of Finance shall, not later than the last day of the month, notify the provincial treasurer or other similar officer of that province of the part of such excess so available for the purchase of securities of that province.

(5) The Minister of Finance, out of the part of the excess referred to in subsection (3) in any month available for the purchase of securities of any province, shall purchase securities of that province in an aggregate amount equal to

Purchase of securities of province by Minister of Finance.

- (a) the part of such excess so available for the purchase thereof, or
(b) the aggregate amount of the securities of that province that are offered, not later than 10

days after the end of that month, by the provincial treasurer or other similar officer of the province for purchase by the Minister of Finance under this section,

whichever is the lesser.

Purchase of securities of Canada by Minister of Finance.

(6) The Minister of Finance, out of any balance of the excess referred to in subsection (3) in any month remaining after purchasing securities of each of the provinces as required by subsection (5), shall purchase securities of Canada in an aggregate amount equal to the balance so remaining, and, for such purpose, the Minister of Finance may issue securities of Canada in that aggregate amount.

Consolidation of securities.

(7) At the request of the provincial treasurer or other similar officer of a province, the Minister of Finance may accept in the place of any series of securities of that province purchased by him under this section during any consecutive period of not more than 12 months, upon payment of any interest then accrued thereon, another security of that province in an amount equal to the aggregate amount then outstanding of the securities of that series, and bearing interest at a rate determined by the Minister of Finance to be the average of the rates of interest on each of the securities of that series weighted according to the amounts then outstanding of each of those securities.

Saving provision.

(8) Nothing in this section shall be construed as limiting or restricting the authority of the Minister of Finance, when he deems it advisable for the sound and efficient management of the Canada Pension Plan Account, to purchase or acquire short term obligations of the Government of Canada not limited or restricted as to the negotiability or the transfer or assignment thereof, in an aggregate amount that, when added to the amount of all such obligations then held by him that were purchased or acquired as described in this subsection, does not exceed in any month the amount estimated by him to be required to meet all payments under subsection (3) of section 110 in the immediately following period ending 3 months after that month, and to pay for such obligations out of the Consolidated Revenue Fund and charge the cost thereof to the Canada Pension Plan Account, or to hold or sell any such obligations and to pay any interest thereon or proceeds of sale thereof into the Consolidated Revenue Fund and credit such interest or proceeds to the Canada Pension Plan Account.

Issue and conditions of obligations.

113. (1) For the purposes of this Act, an obligation described in subparagraph (i) or (ii) of paragraph (c) of subsection (1) of section 112 is a security of Canada or of a province, as the case may be, where the obligation complies with the following conditions, namely:

- (a) it is issued to or payable to the credit of the Canada Pension Plan Investment Fund and is expressed to be not negotiable and not transferable or assignable;
- (b) the term to maturity is 20 years, or such lesser period as may from time to time be fixed by the Minister of Finance on the recommendation of the Chief Actuary of the Department of Insurance, when he deems it necessary in order to meet any payments that will be required to be made under subsection (3) of section 110;
- (c) it is redeemable in whole or in part before maturity only at the option of the Minister of Finance, when he deems it necessary in order to meet any payments that will be required to be made under subsection (3) of section 110, and, in the case of an obligation of or guaranteed by the government of a province, only after notice in writing to the provincial treasurer or other similar officer of that province given not less than 6 months before the date of such redemption,
- (d) it is redeemable in whole or in part before maturity only after all securities of the same jurisdiction that were issued before the month in which such obligation was issued have been fully redeemed, and on the basis that the amount that shall be realized at any time by way of redemption in whole or in part of securities of that jurisdiction held to the credit of the Canada Pension Plan Investment Fund is that proportion of the total amount to be realized at that time by way of redemption of securities so held, that
 - (i) the aggregate amount then outstanding of the securities of that jurisdiction held to the credit of the Canada Pension Plan Investment Fund,
is of
 - (ii) the aggregate amount then outstanding of all securities held to the credit of the said Fund;
- (e) the obligation bears interest payable semi-annually at the rate applicable pursuant to subsection (2) at the time of the issue of the obligation; and
- (f) the obligation is issued in accordance with, and contains such terms and conditions in addition to those mentioned in paragraphs

(a) to (e) as may be set forth in, any agreement in that behalf entered into between the Minister of Finance and the appropriate authority by whom the obligation is issued.

Rate of
interest
applicable.

(2) The Minister of Finance may from time to time fix the rate of interest applicable in the case of any obligation described in subsection (1), which rate shall be calculated

- (a) in the case of an obligation having a term to maturity of 20 years, on the basis of the average yield to maturity as determined by the Minister of Finance of all outstanding obligations of the Government of Canada that are not limited or restricted as to the negotiability or the transfer or assignment thereof and that have terms to maturity of 20 years or more, weighted according to the amounts of those obligations then outstanding, and
- (b) in the case of an obligation having a term to maturity of less than 20 years, on the basis of the average yield to maturity as determined by the Minister of Finance of all outstanding obligations of the Government of Canada that are not limited or restricted as to the negotiability or the transfer or assignment thereof and that have terms to maturity within a range comparable in average duration to the term of the obligation in respect of which the calculation is made, weighted according to the amounts of those obligations then outstanding;

except that if the rate of interest so calculated is not a multiple of $1/100\%$, it shall be taken to be the nearest multiple of $1/100\%$ or, if there is no such nearest multiple, then the next multiple thereof above that rate.

Notice.

(3) The Minister of Finance, whenever any rate of interest is fixed by him pursuant to subsection (2), shall cause notice of the rate so fixed to be published forthwith in the *Canada Gazette*.

Effect of
regulation
made under
ss. (2) of s. 3.

114. (1) Where any regulation has been made under subsection (2) of section 3 prescribing a province as a province described in subparagraph (ii) of paragraph (a) of subsection (1) of that section,

- (a) all obligations and liabilities accrued or accruing as described in that subparagraph, for the assumption of which under the provincial pension plan of that province provision has been made by any law of that province,

shall, from and after the day on which such regulation became effective, cease to be obligations or liabilities accrued or accruing with respect to the payment of benefits under this Act attributable to contributions made under this Act in respect of employment in that province or in respect of self-employed earnings of persons resident in that province; and

- (b) the Minister of Finance shall pay an amount calculated as provided in subsection (2) to the government of that province, by the transfer to such government in the first instance and to the extent necessary for such purpose, of securities of that province held to the credit of the Canada Pension Plan Investment Fund, and in the second instance and to the extent necessary for such purpose, of securities of Canada held to the credit of the said Fund, and by the payment to such government of any balance then remaining in such manner as may be prescribed.

(2) For the purposes of subsection (1) the amount to be calculated as provided in this subsection in the case of any province shall be calculated by the Minister of Finance as the amount obtained by adding

Amount to
be paid to
government
of province.

- (a) the total amount of all contributions credited to the Canada Pension Plan Account, to the day on which the regulation referred to in subsection (1) became effective, in respect of employment in that province or in respect of self-employed earnings of persons resident in that province, and
- (b) such part of all interest credited to or accrued to the credit of the Canada Pension Plan Account, to the day on which the regulation referred to in subsection (1) became effective, as derived from the contributions referred to in paragraph (a),

and subtracting from the total so obtained

- (c) such part of all amounts paid as or on account of benefits under this Act as would not have been payable under this Act if that province had been a province described in subparagraph (i) of paragraph (a) of subsection (1) of section 3, and
- (d) such part of the costs of administration of this Act, to the day on which the regulation referred to in subsection (1) became effective, as is equal to the proportion of such costs that the

Agreement
respecting
assumption
of obliga-
tions and
liabilities.

total amount of the contributions referred to in paragraph (a) is of the total amount of all contributions credited to the Canada Pension Plan Account to that day.

(3) Where notice in writing has been given to the Minister by the government of a province as described in subsection (1) of section 3, the Minister, with the approval of the Governor in Council, may on behalf of the Government of Canada enter into an agreement with the government of that province,

- (a) for the furnishing to such government under prescribed conditions of any information obtained under this Act, including records of any amounts that are shown in the Record of Earnings to the accounts of persons who have made contributions under this Act in respect of employment in that province or as persons resident in that province in respect of self-employed earnings; and
- (b) generally for the making of all such arrangements as may be necessary to permit provision to be made for the assumption, under the provincial pension plan referred to in the notice, of all obligations and liabilities accrued or accruing as described in subparagraph (ii) of paragraph (a) of subsection (1) of section 3.

AMENDMENTS TO ACT.

"Included
province"
defined.

115. (1) In this section, "included province" means a province other than the Yukon Territory or the Northwest Territories, except a province providing a comprehensive pension plan unless at the time in respect of which the description is relevant there is in force an agreement entered into under subsection (3) of section 4 with the government of that province.

Effective
date of
major
amendments.

(2) Where any enactment of the Parliament of Canada passed after the coming into force of this Act contains any provision that alters, or the effect of which is to alter, either directly or indirectly and either immediately or in the future, the general level of benefits provided by this Act or the rates of contributions provided for by this Act, it shall be deemed to be a term of such enactment, whether or not it is expressly stated therein, that such provision shall come into force only on a day to be fixed by proclamation of the Governor in Council, which day shall not in any case be earlier than the 1st day of the 3rd year following the year in which any notice of intention to

introduce a measure containing a provision to such effect was laid before Parliament.

(3) A notice of intention described in subsection (2) shall be in such form as is sufficient to indicate the nature of the provision contained or proposed to be contained in the measure referred to in subsection (2) to the effect described in that subsection, and upon any such notice being laid before Parliament the Minister shall forthwith cause a copy thereof to be sent to the Lieutenant Governor in Council of each included province.

Notice.

(4) Where any enactment of the Parliament of Canada passed after the coming into force of this Act contains any provision that alters, or the effect of which is to alter, either directly or indirectly and either immediately or in the future,

Coming into force of other amendments of substance.

- (a) the general level of benefits provided by this Act,
- (b) the classes of benefits provided by this Act,
- (c) the rates of contributions provided for by this Act,
- (d) the formulae for calculating the contributions and benefits payable under this Act,
- (e) the management or operation of the Canada Pension Plan Account or the Canada Pension Plan Investment Fund, or
- (f) the constitution of, or the duties of, the Canada Pension Plan Advisory Committee established under section 117,

it shall be deemed to be a term of such enactment, whether or not it is expressly stated therein, that such provision shall come into force only on a day to be fixed by proclamation of the Governor in Council, which proclamation may not be issued and shall not in any case have any force or effect unless the Lieutenant Governor in Council of each of at least 2/3 of the included provinces, having in the aggregate not less than 2/3 of the population of all of the included provinces, has signified the consent of such province thereto.

(5) For the purposes of this section, the population of a province at any time in a year in respect of which the determination thereof is relevant means the population thereof on the 1st day of June of that year, as estimated by the Dominion Statistician.

Determination of population.

REPORT OF CHIEF ACTUARY.

116. (1) The Chief Actuary of the Department of Insurance shall at least once in every 5 years prepare a report based on an actuarial examination of the operation

Report to be made by Chief Actuary every 5 years.

of this Act and the state of the Canada Pension Plan Account, and shall include therein

- (a) a statement setting forth the estimated revenues of the Canada Pension Plan Account for each of the 10 years immediately following the date of the examination, and the estimated amount of all payments under subsection (3) of section 110 in each of those 10 years; and
- (b) a statement setting forth, for each 5th year of a period of not less than 30 years from the date of such examination, an estimate of the percentage of total contributory salaries and wages and contributory self-employed earnings that would be required to provide for all payments under subsection (3) of section 110 in that year if there were no balance in the Canada Pension Plan Account at the commencement of that year.

Report to be made by Chief Actuary whenever any Bill to amend Act introduced.

(2) In addition to any report under subsection (1) the Chief Actuary shall, whenever any Bill is introduced in or presented to the House of Commons to amend this Act or otherwise to alter directly or indirectly any of the provisions thereof, prepare with all due despatch a report thereon setting forth his opinion as to whether, or the extent to which, such Bill would if enacted by Parliament affect any of the estimates contained in the most recent report under subsection (1) made by the Chief Actuary before the introduction or presentation of such Bill.

Report to be laid before House of Commons.

(3) Forthwith upon the completion of any report under subsection (1) or (2), the Chief Actuary shall transmit such report to the Minister of Finance, who shall cause the same to be laid before the House of Commons forthwith upon its receipt by him if Parliament is then sitting, or if Parliament is not then sitting, on any of the first 5 days next thereafter that Parliament is sitting, and if at the time any report under subsection (2) is received by the Minister of Finance Parliament is then dissolved, the Minister of Finance shall forthwith cause a copy of such report to be published in the *Canada Gazette*.

ADVISORY COMMITTEE.

Canada Pension Plan Advisory Committee.

117. (1) There shall be a committee, to be known as the Canada Pension Plan Advisory Committee, consisting of not more than 16 members representative of employees, employers, self-employed persons and the public, each of whom shall be appointed by the Governor in Council for such term, not exceeding 5 years, as will ensure as far as possible the expiration in any one year of the terms of

appointment of fewer than one half of the members, and one of whom shall be appointed by the Governor in Council to be the Chairman of the Committee.

(2) Each of the members of the Advisory Committee is entitled to be paid such allowance for each day he attends any meetings of the Committee as may be fixed by the Governor in Council, and is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the course of his duties as a member of the Committee.

Remuneration and expenses of members.

(3) The Advisory Committee shall meet at least once a year in the City of Ottawa, and at such other times and places as it deems necessary in order to carry out its duties under this Act.

Meetings.

(4) The Advisory Committee may make such rules as it deems necessary for the regulation of its proceedings, for the fixing of a quorum for any of its meetings and generally for the conduct of its activities.

Rules of procedure.

(5) It shall be the duty of the Advisory Committee to review from time to time, as it deems appropriate or advisable, the operation of this Act, the state of the Canada Pension Plan Investment Fund and the adequacy of coverage and benefits under this Act, and to report to the Minister the results of such review.

Duties of Committee.

(6) The Committee shall each year prepare a report to the Minister on its activities during the immediately preceding year, and a copy of such report shall be included in the annual report of the Minister under section 118.

Annual report.

ANNUAL REPORT TO PARLIAMENT.

118. The Minister shall, as soon as possible after the end of each fiscal year, prepare a report on the administration of this Act during that fiscal year, including a statement showing amounts credited to or charged to the Canada Pension Plan Account and the Canada Pension Plan Investment Fund during that year by appropriate classifications, the number of contributors and the number of persons to whom benefits were payable during that year together with such other information as the Minister deems appropriate, and the Minister shall cause such report to be laid before Parliament forthwith upon the completion thereof if Parliament is then sitting, or if Parliament is not then sitting, on any of the first 15 days next thereafter that Parliament is sitting.

Annual report to be made by Minister.

PART IV.

AMENDMENTS TO OLD AGE
SECURITY ACT.

R.S., c. 200;
1957-58, c. 3;
1959, c. 14;
1960, c. 34;
1962, c. 5;
1963, c. 16.

1963, c. 16,
s. 1(1).

119. Subsection (1) of section 3 of the *Old Age Security Act* is repealed and the following substituted therefor:

Payment of
pension.

"3. (1) Subject to the provisions of this Act and the regulations, a monthly pension may be paid to every person who

- (a) has attained sixty-five years of age; and
- (b) has resided in Canada for the ten years immediately preceding the day on which his application is approved, or, if he has not so resided,
 - (i) has been present in Canada prior to those ten years for an aggregate period at least equal to twice the aggregate periods of absence from Canada during those ten years, and has resided in Canada for at least one year immediately preceding the day on which his application is approved, or
 - (ii) has resided in Canada after attaining eighteen years of age and prior to the day on which his application is approved for an aggregate period of at least forty years."

120. The said Act is further amended by adding thereto, immediately after section 3 thereof, the following section:

Basic
amount of
pension.

Annual
adjustment
of pension
authorized
to be paid
for months
after 1967.

"3A. (1) The basic amount of the monthly pension that may be paid to any person is seventy-five dollars.

(2) Where, either before or after the coming into force of this section, a pension has been authorized to be paid to any person, the amount of such pension shall be adjusted annually, in such manner as may be prescribed by regulation, so that the amount that may be paid to such person for a month in any year after 1967 is the product obtained by multiplying

- (a) the basic amount of such pension,
- by
- (b) the ratio that the Pension Index for that year bears to the Pension Index for the year 1967.

(3) In this section, "Pension Index" has the meaning assigned by section 20 of the *Canada Pension*

"Pension
Index"
defined.

Plan, and the Pension Index for any year means the Pension Index for that year calculated as provided in that section."

121. Section 4 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

"(1a) Notwithstanding subsection (1), where a person who has applied to receive a pension attained the age of sixty-five years before the day on which the application was received, the approval of the application may be effective as of such earlier day, not before the later of

Exception where applicant over sixty-five years when application received.

(a) a day one year before the day on which the application was received, or

(b) the day on which the applicant attained the age of sixty-five years,

as may be prescribed by regulation."

122. The said Act is further amended by adding thereto, immediately after section 4 thereof, the following section:

"4A. Notwithstanding anything in this Act, no pension may be paid to any person for or commencing in

Commencement of pension to persons under seventy years.

(a) any month before January, 1966 in which that person had not attained seventy years of age;

(b) any month before January, 1967 in which that person had not attained sixty-nine years of age;

(c) any month before January, 1968 in which that person had not attained sixty-eight years of age;

(d) any month before January, 1969 in which that person had not attained sixty-seven years of age; or

(e) any month before January, 1970 in which that person had not attained sixty-six years of age."

123. (1) All that portion of subsection (1) of section 5 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

1960, c. 34. s. 1.

"5. (1) Where a pensioner, having absented himself from Canada either before or after becoming a pensioner, has remained out of Canada after becoming a pensioner for six consecutive months, exclusive of the month in which he left Canada, payment of his pension

Suspension of pension.

for any period he continues to be absent from Canada after those six months shall be suspended, but"

(2) Subsection (2) of section 5 of the said Act is repealed and the following substituted therefor:

Idem.

"(2) Where a pensioner, either before or after becoming a pensioner, has been convicted of an offence and sentenced to a term of imprisonment exceeding ninety days, payment of his pension for any period he continues to be imprisoned shall be suspended, but may be resumed upon his release from imprisonment."

124. Paragraph (f) of section 6 of the said Act is repealed and the following substituted therefor:

"(f) providing for the making of an application by and the payment of a pension to any person or agency on behalf of any other person or pensioner where it is established in such manner and by such evidence as may be prescribed by the regulations that such other person or pensioner is by reason of infirmity, illness, insanity or other cause incapable of managing his own affairs, and prescribing the manner in which a pension authorized to be paid to any such person or agency on behalf of a pensioner shall be administered and expended for the benefit of the pensioner and accounted for."

Coming
into
force.

125. This Act shall come into force on such day, after the 30th day after this Act is assented to, as may be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 52

An Act to amend the Companies Act.

[Assented to 3rd April, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 53.

1. The long title of the *Companies Act* is repealed and the following substituted therefor:

“An Act respecting Corporations.”

2. Section 1 of the said Act is repealed and the following substituted therefor:

“**1.** This Act may be cited as the *Canada Corporations Act*.” Short title.

3. (1) Paragraph (d) of section 3 of the said Act is repealed and the following substituted therefor:

“(d) “court” means in Ontario, the Supreme Court; in Quebec, the Superior Court; in Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Alberta and Newfoundland, the Supreme Court in and for each of those Provinces, respectively; in Manitoba, the Court of Queen’s Bench; in Saskatchewan, the Court of Queen’s Bench; in the Yukon Territory, the Territorial Court; and in the Northwest Territories, the Territorial Court;” “Court.”

(2) Section 3 of the said Act is further amended by inserting immediately after paragraph (i) thereof the following:

"Officer."

"(ia) "officer" means president, chairman of the board of directors, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, or any other person designated an officer by by-law or by a resolution of the directors;"

(3) Paragraph (n) of section 3 of the said Act is repealed and the following substituted therefor:

"Shareholder."

"(n) "shareholder" means every subscriber for or holder of a share in the capital stock of the company and includes the personal representatives of a deceased shareholder and every person who agrees with the company to become a shareholder;"

(4) Section 3 of the said Act is further amended by adding thereto the following subsection:

Special resolution.

"(2) A by-law mentioned in section 17, subsection (1) of section 26, section 48 or 49 may be referred to as a "special resolution"."

4. Section 4 of the said Act is repealed and the following substituted therefor:

Provisions directory only.

"4. The provisions of this Part relating to matters preliminary to the issue of the letters patent or supplementary letters patent are directory only, and no letters patent or supplementary letters patent issued under this Part shall be held void or voidable on account of any irregularity or insufficiency in respect of any matter preliminary to the issue of the letters patent or supplementary letters patent."

5. (1) Subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

Incorporation of companies for certain objects.

"5. (1) The Secretary of State may, by letters patent under his seal of office, grant a charter to any number of persons, not less than three, being twenty-one years of age or over and having power under law to contract, who apply therefor, constituting such persons, and such other persons as thereafter become shareholders in the company thereby created, a body corporate and politic for any of the objects to which the legislative authority of the Parliament of Canada extends, except

- (a) the construction and working of railways within Canada or of telegraph or telephone lines within Canada;
- (b) the business of insurance within the meaning of the *Canadian and British Insurance Companies Act*;
- (c) the business of a trust company within the meaning of the *Trust Companies Act*;
- (d) the business of a loan company within the meaning of the *Loan Companies Act*; and
- (e) the business of banking and the issue of paper money."

(2) Subsection (3) of section 5 of the said Act is repealed and the following substituted therefor:

"(3) Nothing in this Part shall be construed to authorize the company to issue any promissory note intended to be circulated as money or as the note of a bank or to engage in the business of banking or insurance."

No power
to issue
paper money
for banking.

(3) Subsection (4) of section 5 of the said Act is repealed and the following substituted therefor:

"(4) Where a company

- (a) carries on a business that is not within the scope of the objects set forth in its letters patent or supplementary letters patent,
- (b) exercises or professes to exercise any powers that are not truly ancillary or reasonably incidental to the objects set forth in its letters patent or supplementary letters patent,
- (c) exercises or professes to exercise any powers expressly excluded by its letters patent or supplementary letters patent,

Grounds for
winding up
company.

the company is liable to be wound up and dissolved under the *Winding-up Act* upon the application of the Attorney General of Canada to a court of competent jurisdiction for an order that the company be wound up under that Act, which application may be made upon receipt by the Attorney General of Canada of a certificate of the Secretary of State setting forth his opinion that any of the circumstances described in paragraphs (a) to (c) apply to that company.

(5) In any application to the court under subsection (4) the court shall determine whether the costs of the winding-up shall be borne by the company or personally

Costs of
winding up.

by any or all of the directors of the company who participated or acquiesced in the carrying on of any business or the exercise or the professing of the exercise of any powers as described in subsection (4)."

6. Section 7 of the said Act is repealed and the following substituted therefor:

Qualification
of applicants.

"**7.** (1) The applicants for letters patent shall be individuals of the full age of twenty-one years with power under law to contract.

Particulars in
application.

(2) The applicants for letters patent shall file in the Department of the Secretary of State an application signed by each of the applicants setting forth the following particulars:

- (a) the name, the place of residence and the calling of each of the applicants;
- (b) the proposed corporate name of the company, having regard to section 22;
- (c) the objects for which incorporation is sought, which shall be limited to the objects that it is intended the company shall pursue;
- (d) the place within Canada where the head office of the company is to be situated;
- (e) the authorized capital, the classes, if any, of the shares into which it is to be divided and the number of shares of each class;
- (f) where the shares of a class are to be with par value, the par value of each share;
- (g) where the shares of a class are to be without par value, the maximum consideration for which each share or the maximum aggregate consideration for which all shares of the class may be issued;
- (h) where part of the shares are to be with par value and part without par value, particulars thereof in accordance with paragraphs (f) and (g);
- (i) where there are to be two or more classes of shares, the preferences, rights, conditions, restrictions, limitations or prohibitions, if any, attaching to each class of shares; and if any class of shares that is to have attached thereto preferred rights as to dividend is to be issued in series as provided by subsection (1b) of section 12, either
 - (i) the designation, rights, restrictions, conditions and limitations attaching to the first series of such class, and a statement

that the directors are authorized to fix from time to time before issuance the designation, rights, restrictions, conditions and limitations attaching to the shares of each subsequent series of such class, or

(ii) a statement that the directors are authorized to fix from time to time before issuance the designation, rights, restrictions, conditions and limitations attaching to the shares of each series of such class;

- (j) a statement whether the company is to be a public company or a private company and, if the company is to be a private company, a request that the company be incorporated as a private company and the restrictions on the transfer of its shares that are to be set out in the letters patent;
- (k) the name, postal address and calling of each of the applicants, not less than three who are to be the first directors of the company; and
- (l) the class and number of shares to be taken by each applicant and the amount to be paid therefor.

(3) The applicants may ask to have embodied in the letters patent any provision that could under this Part be contained in any by-law of the company.

Additional matter.

(4) The application need not specify the powers to be acquired by the company unless

Specific powers.

- (a) a specific power is sought that is not included within the ancillary or incidental powers to be acquired by the company pursuant to section 14; or
- (b) an ancillary or incidental power mentioned in section 14 is to be excluded from the powers of the company or is to be qualified in respect of the company.

7A. Upon the incorporation of a company each applicant for letters patent becomes a shareholder holding the class and number of shares stated in the application to be taken by him and he is liable to the company for the amount to be paid therefor."

Original shareholders.

7. (1) Subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

"8. (1) Before the letters patent are issued the applicants shall establish to the satisfaction of the Secretary of State the sufficiency of the application

Establishing conditions precedent to the issue of letters patent.

and the truth and sufficiency of the facts therein set forth and that the proposed name is not the same or similar to the name under which any other company, society, association or firm, in existence, is carrying on business in Canada or is incorporated under the laws of Canada or any province thereof or so nearly resembles the same as to be calculated to deceive and is not otherwise on public grounds objectionable, or that such existing company, society, association or firm is in the course of being dissolved or changing its name and has signified its consent to the use of the said name."

(2) Subsection (3) of section 8 of the said Act is repealed and the following substituted therefor:

Averments to be recited.

"(3) The letters patent shall recite such of the established averments in the application as to the Secretary of State seems expedient."

(3) Section 8 of the said Act is further amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Alterations in application for letters patent.

"(5) The Secretary of State after giving notice to the applicants or to their authorized representative or agent may, with the consent of such applicants or their authorized representative or agent, make such alterations in the application as may be deemed expedient by the Secretary of State."

8. Sections 9 and 10 of the said Act are repealed and the following substituted therefor:

Notice to be published.

"9. Notice of the granting of letters patent or supplementary letters patent shall be forthwith given by the Secretary of State by one insertion in the *Canada Gazette*.

Corrections.

10. (1) When the letters patent or supplementary letters patent contain any misnomer, misdescription, clerical error or other defect, the Secretary of State may direct the letters patent or supplementary letters patent to be corrected.

Notice of correction.

(2) Notice of the correction of the letters patent or supplementary letters patent shall be forthwith given by the Secretary of State in the *Canada Gazette* if the correction made causes them to depart materially from the text of the original notice given pursuant to section 9."

9. Section 11 of the said Act is repealed and the following substituted therefor:

"11. A company comes into existence on the date of the letters patent incorporating it."

Date of
existence.

10. (1) Subsection (1) of section 12 of the said Act is repealed and the following substituted therefor:

"12. (1) The letters patent or supplementary letters patent of a company may provide for shares of more than one class and for any preferred, deferred or other special rights, restrictions, conditions or limitations attaching to any class of shares.

Different
classes of
shares.

(1a) The letters patent or supplementary letters patent may provide for the issuing of preferred shares with par value subject to redemption or purchase for cancellation out of capital if the price at which such redemption or purchase for cancellation takes place is not more than the par value of the shares plus a premium of not more than twenty per cent of such par value; but no such redemption or purchase for cancellation shall take place where the company is insolvent or when such redemption or purchase for cancellation would render the company insolvent.

Issuance of
shares
preferred as
to dividends

(1b) If any class of shares has attached thereto preferred rights as to dividends, the letters patent or supplementary letters patent may authorize the issuance, from time to time, in one or more series, of the shares of any such class, and may authorize the directors to fix, from time to time before issuance, the designation, rights, restrictions, conditions and limitations attaching to the shares of each series of such class."

Issuance in
series.

(2) Subsections (6) and (7) of section 12 of the said Act are repealed and the following substituted therefor:

"(6) All or any part of the authorized capital of a company, except shares having priority as to capital or being subject to redemption or purchase for cancellation, may consist of shares without nominal or par value.

Shares
without
par value.

(7) Where the authorized capital of a company consists, in whole or in part, of shares without nominal or par value, the paid up capital of the company shall, with respect to those shares, be an amount equal to the aggregate amount of the consideration received by the company for such of the shares as are issued,

Capital where
shares have
no par value.

exclusive of such part of such consideration as may have been lawfully set aside as distributable surplus before the commencement of this subsection."

(3) Subsection (10) of section 12 of the said Act is repealed and the following substituted therefor:

Shares to be allotted for consideration fixed by directors.

"(10) In the absence of other provisions in that behalf in the letters patent, supplementary letters patent or by-laws of the company, shares without nominal or par value may be allotted, and issued for such consideration as may be fixed by the directors acting in good faith and in the best interests of the company.

Consideration for shares without nominal or par value.

(10a) Shares without nominal or par value shall not be allotted as fully paid except for

- (a) the consideration fixed by the directors as provided in this section payable in cash to the total amount of the consideration; or
- (b) a consideration payable directly or indirectly in property or past services that the directors in good faith determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash consideration mentioned in paragraph (a)."

(4) Subsection (12) of section 12 is repealed and the following substituted therefor:

Consideration for shares with nominal or par value.

"(12) Shares having a nominal or par value shall not be issued as fully paid except for

- (a) a consideration payable in cash at least equal to the product of the number of shares allotted and issued multiplied by the nominal or par value thereof; or
- (b) a consideration payable directly or indirectly in property or past services that the directors in good faith determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash consideration mentioned in paragraph (a)."

(5) Subsections (14) and (15) of section 12 of the said Act are repealed and the following substituted therefor:

Shares with exclusive right of control.

"(14) In no case shall shares of a company of any class, whether with or without par value, be issued or allotted with voting rights limited in such

a way as to attach to any other class or classes of shares the exclusive right to control the management of the company by the election or removal of the board of directors or otherwise.

(15) Nothing in subsection (14) prevents the issue, under authority of provision therefor by letters patent or supplementary letters patent, of any preferred shares to which are attached preferential voting rights, exercisable in a stated event only, although, in the stated event, an exclusive right to control or manage is attached to or is incident to such preferred shares."

Preferred shares with preferential voting rights.

11. The said Act is further amended by adding, immediately after section 12 thereof, the following:

"12A. (1) In this section the expression "mutual fund shares" means any class of shares having conditions attached thereto that include conditions requiring the company issuing the shares to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof, that are fully paid.

Definition of "mutual fund share."

(2) Where the only undertaking of a company is the business of investing the funds of the company, its letters patent or supplementary letters patent may provide for the issuing of one or more classes of mutual fund shares, in which case the letters patent or supplementary letters patent shall set out the conditions governing

Issuing of mutual fund shares.

- (a) the surrender of fully paid mutual fund shares or any fractions or parts thereof that are fully paid; and
- (b) the determination of the price to be paid therefor and the manner and time of payment thereof.

(3) Any mutual fund shares or fractions or parts thereof surrendered to the company pursuant to the conditions attached to such shares shall be deemed to be no longer outstanding and shall not be reissued by the company.

Effect of surrender.

(4) There may be included in the conditions attached to mutual fund shares

Additional conditions.

- (a) a condition providing for a participating interest in any fund administered by the company; and
- (b) a condition that, upon the surrender of any fully paid mutual fund shares, or any fractions or parts thereof that are fully paid, the price to be paid therefor may be paid out of capital.

Relating
redemption
or cancel-
lation
provisions
to mutual
fund shares.

(5) Where in any letters patent or supplementary letters patent the expression "redemption or purchase for cancellation", or an expression of like import, is used in relation to any shares of a company, the expression shall, in relation to mutual fund shares of the company, be deemed to be a reference to acceptance by the company of the surrender of those shares."

12. (1) All that portion of subsection (1) of section 14 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Incidental
and ancillary
powers.

"**14.** (1) A company may, as ancillary and incidental to the objects set out in its letters patent or supplementary letters patent, exercise any or all of the following powers, namely the power:"

(2) Section 14 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Withholding
or limiting
powers.

"(4) Any of the powers set out in subsection (1) may be withheld or limited by the letters patent or supplementary letters patent of the company."

13. The said Act is further amended by adding thereto, immediately after section 16 thereof, the following section:

"Holding
company",
"subsidiary
company"
defined
Subsidiary
not to hold
shares of its
holding
company.

"**16A.** (1) In this section "holding company" and "subsidiary company" have the meanings assigned those expressions by section 121B.

(2) Except as provided in this section, a company shall not hold shares in a company that is its holding company, and any allotment or transfer of shares of a company to its subsidiary company is void.

(3) Subsection (2) does not apply to a subsidiary company holding shares in the capacity of a personal representative unless the holding company or a subsidiary thereof is beneficially interested under the trust and is not beneficially interested only by way of security for the purposes of a transaction entered into by it in the ordinary course of a business that includes the lending of money.

(4) A subsidiary company that on the commencement of this section or on the date on which it became a subsidiary held shares of its holding company may continue to hold those shares notwithstanding subsection (2), but subject to subsection (3) the

Holding
shares as
personal rep-
resentative.

Holding
shares on
commence-
ment of this
section.

subsidiary company may not vote at meetings of shareholders of the holding company or at meetings of any class of shareholders thereof.

(5) Subject to subsection (3), subsections (2) and (4) apply in relation to a nominee for a company that is a subsidiary as if the references in subsections (2) and (4) to such a company included references to a nominee for it.”

Nominee of subsidiary company.

14. (1) Subsections (1) to (3) of section 17 of the said Act are repealed and the following substituted therefor:

“**17.** (1) Subject to any special rights attaching to shares of any class or classes as set forth in the letters patent or supplementary letters patent, a company may from time to time, when authorized by by-law sanctioned by two-thirds of the votes cast at a special general meeting of shareholders called for the purpose, apply for supplementary letters patent, as provided in such by-law,

Application to extend or reduce powers.

(a) extending the objects of the company to such further or other objects for which a company may be incorporated under this Part, or

(b) reducing, limiting, amending or varying the objects or the powers of the company or any of the provisions of the letters patent or supplementary letters patent issued to the company;

but no such extension, reduction, limitation, amendment or variation may have the effect of altering or permitting the alteration of the authorized capital of the company in any manner other than pursuant to the issue of supplementary letters patent under sections 48 to 58 or section 126, as the circumstances of the case may require.

(2) A company may, when authorized by by-law sanctioned by three-fourths of the votes cast at a special general meeting of shareholders called for the purpose, apply for supplementary letters patent converting the company from a private company into a public company, or from a public company into a private company, as the case may be.

Converting company.

(3) An application under subsection (1) or (2) may be made only within six months after the by-law therein mentioned has been sanctioned by the shareholders.”

Limitation.

(2) Subsection (5) of section 17 of the said Act is repealed and the following substituted therefor:

Supple-
mentary
letters
patent.

“(5) Upon the due sanctioning of a by-law pursuant to subsection (1) or (2), as the case may be, being so established the Secretary of State may grant supplementary letters patent

- (a) extending the objects of the company;
- (b) reducing, limiting, amending or varying the objects or the powers of the company or any of the provisions of the letters patent or supplementary letters patent of the company; or
- (c) converting the company into a public or private company,

as the case may be, and as provided in such by-law; and notice thereof shall be forthwith given by the Secretary of State in the *Canada Gazette* and the supplementary letters patent take effect from their date.”

15. Subsection (3) of section 21 of the said Act is repealed and the following substituted therefor:

Change to
be sanctioned.

“(3) No by-law for the said purpose is valid or shall be acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law.

Publication
of by-law.

(4) A copy of the by-law certified under the seal of the company shall be forthwith filed with the Secretary of State and published in the *Canada Gazette*.”

16. Section 22 of the said Act is repealed and the following substituted therefor:

Name of
company.

“**22.** (1) The word “Limited” or the abbreviation “Ltd” shall be the last word of the name of each company, but in either case the company may use, and be legally designated by, “Limited” or “Ltd”, and reference thereto may be made in the same manner.

Use of
French
or English
form of
corporate
name.

(2) If the company has a name consisting of a separated or combined French and English form, it may from time to time use, and it may be legally designated by, either the French or English form of its name or both forms.

Publishing
name of
company.

(3) A company shall

- (a) keep its name painted or affixed, in letters easily legible, in a conspicuous position on the outside of every office or place in which the business of the company is carried on;

- (b) keep its name engraved in legible characters on its seal and, if the company has a name consisting of a French and English form, whether separated or combined, the Company shall show on its seal both the French and English forms of its name or shall have two seals, each of which shall be equally valid, one showing the French and the other the English form of its name; and
- (c) have its name, in legible characters, mentioned in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices and receipts of the company."

17. Section 29 of the said Act is repealed and the following substituted therefor:

"29. (1) The charter of a company may be surrendered if the company proves to the satisfaction of the Secretary of State

Surrender of
charter.

- (a) that the company has no assets and that, if it had any assets immediately prior to the application for leave to surrender its charter, such assets have been divided rateably among its shareholders or members, and either,
 - (i) that it has no debts, liabilities or other obligations, or
 - (ii) that the debts, liabilities or other obligations of the company have been duly provided for or protected or that the creditors of the company or other persons having interests in such debts, liabilities or other obligations consent; and
- (b) that the company has given notice of the application for leave to surrender by publishing the same once in the *Canada Gazette* and once in a newspaper published at or as near as may be to the place where the company has its head office.

(2) Where an application to surrender a charter is made by a company that has not gone into *bona fide* operation or that has been inoperative for three or more consecutive years, if the circumstances mentioned in paragraph (a) of subsection (1) are proved

Application
by inop-
erative
company.

to the satisfaction of the Secretary of State, the Secretary of State shall publish a notice of such application in the *Canada Gazette* and, unless an objection to the surrender is received by him within one year after such publication of the notice, he may accept the application for the surrender of the charter.

Acceptance of
surrender.

(3) Where the Secretary of State has accepted the surrender of a charter upon due compliance with subsection (1) or subsection (2), as the case may be, the Secretary of State may direct the cancellation of the charter of the company and fix a date upon and from which the company shall be dissolved, and the company is thereby and thereupon dissolved accordingly.

No fee
payable by
inoperative
company.

(4) No fee shall be charged in respect of a surrender under this section of the charter of a company described in subsection (2)."

18. Subsection (4) of section 33 of the said Act is repealed and the following substituted therefor:

Particulars
of issue on
certificate.

"(4) Where a company has more than one class of shares

(a) the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to any class of shares shall be stated in legible characters

(i) on every share certificate representing that class of shares, or

(ii) by a writing permanently attached to the share certificate;

or

(b) there shall be inscribed on each such share certificate, in legible characters, a statement that there are preferences, rights, conditions, restrictions, limitations or prohibitions attached to such class of shares, and that the full text thereof is obtainable on demand, and without fee, from the secretary of the company.

Furnishing
text of
particulars.

(5) Where a statement referred to in paragraph (b) of subsection (4) is inscribed on the share certificate, the secretary of the company shall furnish, without fee, to the shareholder on demand the full text of any preferences, rights, conditions, restrictions, limitations or prohibitions attached to such class of shares."

19. Subsection (1) of section 35 of the said Act is repealed and the following substituted therefor:

“35. (1) A public company, if so authorized by its letters patent or supplementary letters patent and subject to the provisions respecting share warrants therein contained, may, with respect to any fully paid-up shares, issue under the seal of the company a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise, for the payment of the future dividends on the share or shares included in the warrant, hereafter referred to as a “share warrant”.”

Issue and effect of share warrants.

20. Subsections (2) to (4) of section 48 of the said Act are repealed and the following substituted therefor:

“(2) Subject to confirmation by supplementary letters patent a company may from time to time by by-law alter its capital in any other way not provided for under subsection (1), if such alteration is not a reduction of capital to which sections 49 to 58 or section 126 would apply.

Altering capital structure.

(3) No by-law under subsection (1) shall take effect until it is sanctioned by at least two-thirds of the votes of the holders of each class of shares thereby affected, cast at a special general meeting of shareholders called for the purpose and confirmed by supplementary letters patent.

Sanction and confirmation.

(4) Subject to subsection (5), a by-law under subsection (2) shall not take effect until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders called for the purpose and confirmed by supplementary letters patent.

Other alteration of capital.

(5) Where the holders of any class of shares would be affected by a by-law under subsection (2), the by-law shall not take effect until, in addition to the sanction required under subsection (4),

Additional confirmation.

- (a) it has been unanimously approved in writing by the holders of all classes of shares affected; or
- (b) it has been unanimously approved by all classes of shares affected, by vote cast at a special general meeting of the shareholders called for the purpose; or
- (c) it has been approved in the manner, and by the shareholders, specifically set out in the terms of the conditions attaching to such shares if such terms appear in the letters patent or supplementary letters patent of the company.

Purchase of
fractions of
shares by
company.

(6) For the purpose of any consolidation of shares pursuant to subsection (1), the company may purchase fractions of shares but the company shall sell any shares held from any such purchase within two years after such purchase.

Cancellation
of shares.

(7) A cancellation of shares pursuant to paragraph (h) of subsection (1) shall be deemed not to be a reduction of capital within the meaning of this Part."

21. Section 49 of the said Act is amended by adding the following as subsection (3):

Cancellation
of preferred
shares.

"(3) Notwithstanding anything contained in this section, where pursuant to subsection (1a) of section 12 preferred shares are issued providing for redemption or purchase for cancellation out of capital, and such shares are so redeemed or purchased for cancellation, then, upon the filing of notice thereof with the Secretary of State pursuant to section 62, they are thereupon cancelled, and the authorized and the issued capital of the company shall be thereby decreased; and subsections (1) and (2) of this section and sections 51 to 58 do not apply."

22. Section 50 of the said Act is repealed.

23. Section 52 of the said Act is repealed and the following substituted therefor:

Confirming
reduction by
supple-
mentary
letters
patent.

"**52.** The Secretary of State may issue supplementary letters patent confirming a reduction of capital of a company on such terms as he thinks fit, if, with respect to every creditor of the company who under this Part is entitled to object to the reduction, the Secretary of State is satisfied by the certificate of an authorized officer of the company that either each such creditor's consent to the reduction has been obtained or his debt or claim has been discharged, determined or secured."

24. Section 56 of the said Act is repealed and the following substituted therefor:

Period
limited for
supplemen-
tary letters
patent.

"**56.** An application to the Secretary of State for the issue of supplementary letters patent to confirm a by-law for any one or more of the purposes set forth in sections 48 and 49 may be made only within six months after the by-law has been sanctioned by the shareholders."

25. Section 59 of the said Act is repealed.

26. All that portion of section 60 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“60. Unless preferred shares, or shares to which are attached special rights, restrictions, conditions or limitations, are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof, unless such conversion or redemption is effected”

When consent required for redemption or conversion of preferred shares.

27. Section 61 of the said Act is repealed and the following substituted therefor:

“61. (1) A company may, subject to subsection (2), purchase for cancellation or redeem any class of fully paid preferred shares of the company in respect of which the letters patent or supplementary letters patent provide a right in favour of the company to redeem such shares or to purchase such shares for cancellation, otherwise than out of capital, if such purchase or redemption is made in accordance with the provisions of the letters patent or supplementary letters patent.

Purchase or redemption of its shares by a company.

(2) A redemption or purchase for cancellation of shares shall be made either

How redemption or purchase to be made.

(a) out of the proceeds of an issue of shares made for the purpose of such redemption or purchase, or

(b) by payments made without impairment of the capital of the company out of the ascertained net profits of the company set aside by the directors and available for the purpose of such redemption or purchase;

but no redemption or purchase for cancellation shall be made out of the ascertained net profits of the company when cumulative dividends are in arrears on the preferred shares to be so redeemed or purchased.

(3) The redemption or purchase for cancellation of its shares by a company in accordance with this section shall be deemed not to be a reduction of the paid-up capital of the company.

Redemption or purchase not a reduction of capital

(4) The surplus resulting from a redemption or purchase for cancellation of shares of a company made in accordance with this section shall be designated as a capital surplus of the company and shall not be reduced or distributed except as provided in sections 49 to 58.

Capital surplus.

Saving
provision.

(5) Nothing in this section shall be construed to apply to a redemption or purchase for cancellation of shares that are redeemed or purchased for cancellation pursuant to subsection (3) of section 49."

28. (1) Section 62 of the said Act is repealed and the following substituted therefor:

Notice of
redemption
or conversion
to be
filed.

"**62.** When any class of shares is created or becomes subject to redemption or purchase for cancellation or conversion into any other class, and such redemption or purchase for cancellation or conversion is effected in any month, notice thereof, setting forth the number of shares of the class redeemed or purchased for cancellation or converted and the number of shares and the class into which conversion is made in that month, and also setting forth whether and the extent to which any such redemption or purchase for cancellation was made out of capital, shall be filed with the Secretary of State before the end of the following month."

(2) The said Act is further amended by adding thereto, immediately after section 62 thereof, the following section:

Monthly
statement of
surrendered
shares.

"**62A.** When a company has issued any class of mutual fund shares within the meaning of section 12A, the company shall each month file with the Department of the Secretary of State a statement giving the number of each class of such mutual fund shares that have been accepted for surrender during the preceding month."

29. Paragraph (e) of subsection (1) of section 63 of the said Act is repealed and the following substituted therefor:

Hypotheca-
tion.

"(e) secure any such debentures, or other securities, or any other present or future borrowing or liability of the company, by mortgage, hypothec, charge or pledge of all or any currently owned or subsequently acquired real and personal, movable and immovable, property of the company, and the undertaking and rights of the company."

30. Section 69 of the said Act is repealed.

31. The said Act is further amended by adding thereto, immediately after section 76 thereof, the following section:

"76A. (1) Where a company makes an offer to the public of its securities in any province or any foreign country wherein it is a general requirement of law that a prospectus or a document of a similar nature be filed with a public authority thereof before an offer of securities may lawfully be made to the public, whether or not the particular offer to the public of the securities of the company in that province or country may by the laws thereof be made without the filing of a prospectus or document of a similar nature, the company need not comply with the provisions of sections 74, 75, 77 and sections 79 to 82 with respect to such offering and, subject to subsection (4), those sections do not apply thereto.

When prospectus required by other jurisdictions.

(2) Where a company has filed with a public authority in a province or foreign country, in accordance with the requirements of the law thereof, a prospectus or other document of a similar nature in respect of any offer to the public of its securities in such province or foreign country, the company shall, within ten days after such filing, file with the Department of the Secretary of State a copy of such prospectus or document certified by such public authority, or by an officer of the company, together with a statement of the date and place of filing, which copy shall be kept available for public inspection in the Department of the Secretary of State.

Filing copy with Secretary of State.

(3) Section 78 applies *mutatis mutandis* to any prospectus or document of a similar nature issued by or on behalf of the company and filed with a public authority in any province or foreign country for the purpose of making an offer to the public therein.

Liability for statements in prospectus.

(4) Notwithstanding subsection (1), the Secretary of State may, in any case where he deems it in the public interest to do so, direct any company to comply with the provisions of sections 74, 75, 77 and sections 79 to 82.

Directing companies to file prospectus.

(5) No company or person shall make any representation, written or oral, that the Secretary of State has in any way passed upon the financial standing, fitness or conduct of any company, or upon the merits of any security of the company, by reason of the filing with the Department of the Secretary of State of any prospectus or of any copy of a prospectus or document certified by a public authority in any province or foreign country."

No representations to be made of filing prospectus or copy thereof.

32. Paragraph (v) of subsection (1) of section 77 of the said Act is repealed and the following substituted therefor:

“(v) the amount of the consideration received for the issue of shares without nominal or par value and lawfully set aside as distributable surplus prior to the commencement of this paragraph;”

33. Subsection (3) of section 83 of the said Act is repealed and the following substituted therefor:

Shares in
lieu of
dividends.

“(3) For the amount of any dividend that the directors may lawfully declare payable in money they may issue therefor shares of the company as fully paid up, or they may credit the amount of such dividend on the shares of the company already issued but not fully paid up, and the liability of the holders of such shares thereon shall be reduced by the amount of such dividend.”

34. Section 84 of the said Act is repealed and the following substituted therefor:

Directors.

“**84.** (1) The affairs of the company shall be managed by a board of directors however designated.

Fixed
number.

(2) The board of directors of the company shall consist of a fixed number of directors not fewer than three.

Vacancies
in board.

(3) Where there is a vacancy or vacancies in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.”

35. Section 86 of the said Act is amended by adding thereto the following as subsection (5):

Qualifying
after election
or appoint-
ment.

“(5) Notwithstanding subsection (1), a person may become a director of a company if he becomes a shareholder within ten days after his election or appointment as a director, but if he fails to become a shareholder within such ten days, he thereupon ceases to be a director and shall not be re-elected or re-appointed unless he is a shareholder of the company.”

36. Subsection (3) of section 87 of the said Act is repealed and the following substituted therefor:

Copy to be
filed and open
for inspection.

“(3) A copy of the by-law certified under the seal of the company shall be forthwith filed with the Secre-

tary of State, and such copy shall be open for inspection, without fee, during normal office hours."

37. Section 98 of the said Act is repealed and the following substituted therefor:

"98. (1) Where a director or officer of a company or any shareholder thereof controlling more than ten per cent of the issued shares of the company to which a right to vote is attached, directly or indirectly purchases or sells any of the shares or other securities of the company of which he is a director, officer or shareholder or of any subsidiary of that company, either by himself or by a company controlled by him or by him and any other director or directors of the company, such director, officer or shareholder shall, before the end of the month following that in which such purchase or sale took place, furnish to the secretary of the company a statement setting forth the details of such purchase or such sale; and the secretary shall cause the information contained in the statement to be recorded in a book maintained for that purpose which shall be available for inspection by any shareholder of the company at any time during normal business hours; the secretary of the company shall also, within thirty days of its receipt by him, furnish to the Secretary of State a copy of each such statement, and the Secretary of State shall make such statements available for inspection by any shareholder of the company at any time during usual office hours.

Disclosure of
purchase of
securities.

(2) The directors shall disclose to the shareholders of the company at each annual meeting thereof a statement containing the particulars recorded in the book maintained under subsection (1) for the period commencing on the day following that to which the last preceding statement was made up and ending on a day not more than thirty days before the date of the annual meeting.

Disclosure
at annual
meeting.

(3) Every director, officer or shareholder of a company who neglects or fails to furnish to the secretary of the company the statement required under subsection (1) within the time prescribed therefor is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to six months imprisonment or to both fine and imprisonment."

Penalty.

38. Section 103 of the said Act is repealed and the following substituted therefor:

Notice of
meeting and
determination
of questions
thereat.

"103. (1) In the absence of other provisions in that behalf in the letters patent, supplementary letters patent or by-laws of the company,

- (a) notice of the time and place for holding any meeting of shareholders shall be given by sending such notice to each shareholder entitled to vote at such meeting, through the post, in a prepaid wrapper or letter, not less than fourteen days before the date of the meeting, to his last known address;
- (b) all questions proposed for the consideration of the shareholders at any meeting of shareholders shall be determined by the majority of votes, and the chairman presiding at any such meeting shall have the casting vote in case of an equality of votes.

Vote of
shareholders.

(2) In the absence of other provisions in that behalf in the letters patent or supplementary letters patent, at all meetings of shareholders every shareholder is entitled to give one vote for each share then held by him and such vote may be given in person or by proxy, whether or not such proxy is himself a shareholder; but no shareholder in arrears in respect of any call is entitled to vote at any meeting."

39. Sections 115 to 124 of the said Act are repealed and the following substituted therefor:

Books of
account and
accounting
records.

"115. (1) Every company shall cause to be kept proper accounting records with respect to all financial and other transactions of the company, and, without limiting the generality of the foregoing, shall cause records to be kept of

- (a) all sums of money received and disbursed by the company and the matters in respect of which receipt and disbursement take place;
- (b) all sales and purchases by the company;
- (c) all assets and liabilities of the company; and
- (d) all other transactions affecting the financial position of the company.

Records to
be kept at
head office.

(2) The accounting records shall be kept at the head office of the company or at such other place in Canada as the directors think fit, and shall at all times be open to inspection by the directors.

Keeping
records at
other offices.

(3) In case the operating accounts of the company are kept at some place outside Canada, there shall be kept at the head office of the company such comprehensive records as shall enable the directors to

ascertain with reasonable accuracy the financial position of the company at the end of each three months' period.

116. (1) The directors shall place before each annual meeting of shareholders,

Information
for annual
meeting.

- (a) a financial statement for the period mentioned in subsection (2) made up of,
 - (i) a statement of profit and loss for such period,
 - (ii) a statement of surplus for such period, and
 - (iii) a balance sheet made up to the end of such period;
- (b) the report of the auditor to the shareholders; and
- (c) such further information respecting the financial position of the company as the charter or by-laws of the company require.

(2) The financial statement shall be for the period

Period of
financial
statement.

- (a) beginning at the date of incorporation and ending not more than six months before the annual meeting, in the case of the first financial statement; or
- (b) beginning immediately after the period covered by the previous financial statement and ending not more than six months before the annual meeting, in the case of subsequent financial statements.

(3) The statements and balance sheet mentioned in subparagraphs (i), (ii) and (iii) of paragraph (a) of subsection (1) shall comply with and be governed by sections 117 to 121A, but it is not necessary to designate them the statement of profit and loss, the statement of surplus and the balance sheet, respectively.

Application
of following
sections.

(4) Each year, with the consent in writing of all shareholders, a private company that is not a subsidiary of a public company or a company incorporated otherwise than by or under an Act of the Parliament of Canada may dispense with the requirements of sections 117 to 121A, in respect of any particular financial statement specified in the consent, but the financial statement shall be drawn up so as to present fairly the results of the operation of the company for the period covered by the statement.

Exception
for private
companies.

117. (1) Every statement of profit and loss to be placed before an annual meeting of shareholders shall be drawn up to present fairly the results of the opera-

Statement of
profit and
loss.

tions of the company for the period covered by the statement and shall show severally at least

- (a) the amount of sales or gross revenue derived from the operations, provided, however, that the chief justice or acting chief justice of the court of the province in which the head office of the company is situated, or a judge of such court designated by either of them, upon being satisfied that disclosure of this information would be detrimental to the interests of the company, may authorize its omission from the financial statement to be laid before the next annual meeting of shareholders;
- (b) the operating profit or loss before including or providing for other items of income or expense that are required to be shown separately;
- (c) income from investments in subsidiaries whose financial statements are not consolidated with those of the company;
- (d) income from investments in affiliated companies other than subsidiaries;
- (e) income from other investments;
- (f) non-recurring profits and losses of significant amount including profits or losses on the disposal of capital assets and other items of a special nature to the extent that they are not shown separately in the statement of earned surplus;
- (g) the provision made for depreciation and obsolescence, and separately for depletion;
- (h) amounts written off for goodwill or provided for amortization of any other intangible assets to the extent that they are not shown separately in the statement of earned surplus;
- (i) interest on indebtedness initially incurred for a term of more than one year, including amortization of debt discount or premium and expense;
- (j) total remuneration received as a director, officer or employee of the company by directors from the company and subsidiaries whose financial statements are consolidated with those of the company, including all salaries, bonuses, fees and other emoluments; and
- (k) taxes on income imposed by any taxing authority;

and shall show the net profit or loss for the financial period.

(2) Notwithstanding subsection (1), an item mentioned in paragraph (g), (h) or (j) of subsection (1) may be shown by way of a note to the financial statement.

Note on items.

118. (1) Every statement of surplus to be placed before an annual meeting of shareholders shall be drawn up to present fairly the transactions reflected in the statement and shall show severally a statement of contributed surplus and a statement of earned surplus.

Statement of surplus.

(2) Every statement of contributed surplus shall be drawn up to include and show severally at least the following items:

Contributed surplus.

- (a) the balance of such surplus at the end of the preceding financial period;
- (b) the additions to and deductions from such surplus during the financial period including
 - (i) the amount of surplus arising from the issue of shares or the reorganization of the company's issued capital, including *inter alia*,
 - (A) the amount of premiums received on the issue of shares at a premium, and
 - (B) the amount of surplus realized on the purchase for cancellation of shares, and
 - (ii) donations of cash or other property by shareholders; and
- (c) the balance of the surplus at the end of the financial period.

(3) Every statement of earned surplus shall be drawn up to show severally at least the following items:

Earned surplus.

- (a) the balance of such surplus at the end of the preceding financial period;
- (b) the additions to and deductions from such surplus during the financial period and, without restricting the generality of the foregoing, at least the following:
 - (i) the amount of the net profit or loss for the financial period,
 - (ii) the amount of dividends declared on each class of shares, and
 - (iii) the amount transferred to or from reserves; and
- (c) the balance of the surplus at the end of the financial period.

Balance
sheet.

119. (1) Every balance sheet to be placed before an annual meeting of shareholders shall be drawn up to present fairly the financial position of the company as at the date to which it is made up and to show severally at least the following:

- (a) cash;
- (b) debts owing to the company from each of the following, namely, its directors, companies in which those directors hold collectively a majority interest, its officers and its shareholders except debts of reasonable amount arising in the ordinary course of the business of the company that are not overdue having regard to the ordinary terms of credit of the company;
- (c) debts owing to the company, whether on account of a loan or otherwise, from subsidiaries whose financial statements are not consolidated with those of the company;
- (d) debts owing to the company, whether on account of a loan or otherwise, from affiliated companies other than subsidiaries;
- (e) other debts owing to the company segregating those that arose otherwise than in the ordinary course of the company's business;
- (f) inventory, stating the basis of valuation;
- (g) shares, bonds, debentures and other like investments owned by the company, except those mentioned in paragraphs (h) and (i), stating their nature and cost and the basis of valuation thereof and showing separately such as are marketable with a notation of their market value;
- (h) shares or securities of subsidiaries whose financial statements are not consolidated with those of the company, stating the cost and basis of valuation;
- (i) shares or securities of affiliated companies other than subsidiaries, stating their cost and basis of valuation;
- (j) lands, buildings, and plant and equipment, stating
 - (i) the basis of valuation, whether cost or otherwise, and, if valued on the basis of an appraisal made since 1960 or since the date preceding by twenty years the date of the balance sheet, whichever date is the later, the date of appraisal, the name of the appraiser, the basis of the appraisal value and the disposition in

- the accounts of the company of any amounts added to or deducted from such assets on appraisal, and
- (ii) the amount or amounts accumulated in respect of depreciation and obsolescence, and separately in respect of depletion;
- (k) under separate headings, in so far as they are not written off,
- (i) expenditures on account of future business,
 - (ii) expenses incurred in connection with any issue of shares,
 - (iii) expenses incurred in connection with any issue of securities, including any discount thereon, and
 - (iv) any one or more of the following, namely,
 - (A) goodwill,
 - (B) franchises,
 - (C) patents,
 - (D) copyrights,
 - (E) trade marks, and
 - (F) other intangible assets,
- stating the basis of valuation and the amount, if any, by which the value of any such assets have been written up since 1960 or since the date preceding by twenty years the date of the balance sheet, whichever date is the later;
- (l) the aggregate amount of any outstanding loans under paragraphs (c), (d) and (e) of subsection (2) of section 15;
 - (m) bank loans and overdrafts;
 - (n) debts owing by the company on loans, from its directors, officers or shareholders;
 - (o) debts owing by the company to subsidiaries whose financial statements are not consolidated with those of the company, whether on account of a loan or otherwise;
 - (p) debts owing by the company to affiliated companies other than subsidiaries whether on account of a loan or otherwise;
 - (q) other debts owing by the company, segregating those that arose otherwise than in the ordinary course of the company's business;
 - (r) liability for taxes, including the estimated liability for taxes in respect of the income of the period covered by the statement of profit and loss;
 - (s) dividends declared but not paid;
 - (t) deferred income;

- (u) securities issued by the company, stating the interest rate, the maturity date, the amount outstanding and the existence of sinking fund, redemption requirements and conversion rights, if any;
- (v) the authorized capital, giving the number of each class of shares and a brief description of each such class, and indicating therein any class of shares that is redeemable and the redemption price thereof, and indicating separately any class of shares that is redeemable out of capital;
- (w) the issued capital, giving the number of shares of each class issued and outstanding and the amount received therefor that is attributable to capital, and showing,
 - (i) the number of shares of each class issued since the date of the last balance sheet and the value attributed thereto, distinguishing shares issued for cash, shares issued, directly or indirectly, for services and shares issued, directly or indirectly, for other consideration, and
 - (ii) where any shares have not been fully paid,
 - (A) the number of shares in respect of which calls have not been made and the aggregate amount that has not been called, and
 - (B) the number of shares in respect of which calls have been made and not paid and the aggregate amount that has been called and not paid;
- (x) contributed surplus;
- (y) earned surplus; and
- (z) reserves, showing the amounts added thereto and the amounts deducted therefrom during the financial period.

Note to
explanatory
information.

(2) Explanatory information or particulars of any item mentioned in subsection (1) may be shown by way of a note to the financial statement.

Note to
financial
statement.

120. (1) There shall be stated by way of a note to each financial statement,

- (a) particulars of any change in accounting principle or practice or in the method of applying any accounting principle or practice that was made during the period covered and that materially affects the comparison between the

statement with that for the immediately preceding period; and

- (b) the effect, if material, of any such change upon the profit and loss for the period.

(2) For the purpose of subsection (1), a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding year, even though it does not have a material effect upon the profit or loss for the period.

Change of accounting principle or practice.

(3) Where applicable the following matters shall be referred to in the financial statement or by way of a note thereto:

Additional information.

- (a) the basis of conversion of amounts from currencies other than the currency in which the financial statement is expressed;
- (b) foreign currency restrictions that affect the assets of the company;
- (c) contractual obligations that will require abnormal expenditures in relation to the company's normal business requirements or financial position or that are likely to involve losses not provided for in the accounts;
- (d) material contractual obligations in respect of long-term leases, including, in the year in which the transaction was effected, the principal details of any sale and lease transaction;
- (e) contingent liabilities, stating their nature and, where practicable, the approximate amounts involved;
- (f) any liability secured otherwise than by operation of law on any asset of the company, stating the liability so secured, but not necessarily specifying the asset on which the liability is secured;
- (g) any default of the company in principal, interest, sinking fund or redemption provisions with respect to any issue of its securities or credit agreements;
- (h) the gross amount of arrears of dividends on any class of shares and the date to which those dividends were last paid;
- (i) where a company has contracted to issue shares or has given an option to purchase shares, the class and number of shares affected, the price and the date for issue of the shares or exercise of the option and, shown separately, shares optioned to directors or officers;

- (j) the total remuneration received as a director, officer or employee by the directors of a holding company from subsidiaries whose financial statements are not consolidated with those of the holding company, including all salaries, bonuses, fees and other emoluments;
- (k) in the case of a holding company, the aggregate of any shares, and the aggregate of any securities, of the holding company held by subsidiary companies whose financial statements are not consolidated with that of the holding company;
- (l) the amount of any loans by the company, or by a subsidiary company, otherwise than in the ordinary course of business, during the financial period of the company, to the directors or officers of the company;
- (m) any restriction by the charter or by-laws of the company or by contract on the payment of dividends that is significant having regard to the financial position of the company; and
- (n) any event or transaction other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditor's report thereon, that materially affects the financial statement.

Note part of
financial
statement.

(4) Every note to a financial statement is a part of it.

Consolidated
financial
statement of
holding
company.

121. (1) Any company, in this section referred to as "the holding company", may include in the financial statement to be placed before an annual meeting of shareholders the assets and liabilities and income and expenses of any one or more of its subsidiaries, making due provision for minority interests, if any, and indicating in the financial statement that it is presented in consolidated form.

Information
required in
financial
statement not
consolidated.

(2) Where the assets, liabilities, income and expenses of any one or more subsidiaries of the holding company are not so included in the financial statement of the holding company,

- (a) the financial statement of the holding company shall include a statement setting forth,
 - (i) the reason why the assets and liabilities and income and expenses of the subsidiary or subsidiaries are not included in the financial statement of the holding company,
 - (ii) if there is only one subsidiary, the amount

- of the holding company's proportion of the profit or loss of the subsidiary for the financial period coinciding with or ending in the financial period of the holding company, or, if there is more than one subsidiary, the amount of the holding company's proportion of the aggregate profits less losses, or losses less profits, of all the subsidiaries for the respective financial periods coinciding with or ending in the financial period of the holding company,
- (iii) the amount included as income from the subsidiary or subsidiaries in the statement of profit and loss of the holding company and the amount included therein as a provision for the loss or losses of the subsidiary or subsidiaries,
 - (iv) if there is only one subsidiary, the amount of the holding company's proportion of the undistributed profits of the subsidiary earned since the acquisition of the shares of the subsidiary by the holding company to the extent that that amount has not been taken into the accounts of the holding company, or if there is more than one subsidiary, the amount of the holding company's proportion of the aggregate undistributed profits of all subsidiaries earned since the acquisition of their shares by the holding company less its proportion of the losses, if any, suffered by any subsidiary since the acquisition of its shares to the extent that that amount has not been taken into the accounts of the holding company, and
 - (v) any qualifications contained in the report of the auditor of any subsidiary on its financial statement for the financial period to which the report relates, and any note or reference contained in that financial statement to call attention to a matter that, apart from the note or reference, would properly have been referred to in such a qualification, in so far as the matter that is the subject of the qualification or note is not provided for by the company's own financial statement and is material from the point of view of its shareholders;

- (b) if for any reason the directors of the holding company are unable to obtain such information as is necessary for the preparation of the statement that is to be included in the financial statement of the holding company, the directors who sign the financial statement shall so report in writing, and their report shall be included in the financial statement in lieu of the statement;
- (c) copies of the latest financial statement of the subsidiary or subsidiaries shall be kept on hand by the holding company at its head office and shall be open to inspection by the shareholders of the holding company on request during the normal business hours of the holding company, except that the directors of the holding company may by resolution refuse the right of such inspection if the inspection is not in the public interest or would prejudice the holding company or the subsidiary or subsidiaries, but the resolution may, on the application of any shareholder to the court, be set aside by the court;
- (d) if, in the opinion of the auditor of the holding company, adequate provision has not been made in the financial statement of the holding company for the holding company's proportion,
 - (i) where there is only one subsidiary, of the loss of such subsidiary suffered since acquisition of its shares by the holding company, or
 - (ii) where there is more than one subsidiary, of the aggregate losses suffered by the subsidiaries since acquisition of their shares by the holding company in excess of its proportion of the undistributed profits, if any, earned by any of the subsidiaries since the acquisition,
 the auditor shall state in his report the additional amount that in his opinion is necessary to make full provision therefor.

Insignificant
matter.

121A. Notwithstanding sections 117 to 121, it is not necessary to state in a financial statement any matter that in all the circumstances is of relative insignificance.

Subsidiary
company.

121B. (1) For the purposes of this Act, a company is a subsidiary of another company only if,

- (a) it is controlled by

- (i) that other, or
- (ii) that other and one or more companies each of which is controlled by that other, or
- (iii) two or more companies each of which is controlled by that other; or
- (b) it is a subsidiary of a subsidiary of that other company.

(2) For the purposes of this Act, a company is the holding company of another only if that other is its subsidiary. Holding company defined.

(3) For the purposes of this Act, one company is affiliated with another company only if one of them is the subsidiary of the other or both are subsidiaries of the same company or each of them is controlled by the same person. Affiliated company defined.

(4) For the purposes of this section, a company is controlled by another company or person or by two or more companies only if Controlled company defined.

- (a) shares of the first-mentioned company carrying more than fifty per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of that other company or person or by or for the benefit of those other companies; and
- (b) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned company.

121c. In a financial statement, the term “reserve” shall be used to describe only, “Reserve” defined.

- (a) amounts appropriated from earned surplus at the discretion of management for a purpose other than to meet a liability, contingency or commitment known, admitted or made as at the statement date or a decline in value of an asset that has occurred;
- (b) amounts appropriated from earned surplus pursuant to the charter or by-laws of the company for a purpose other than to meet a liability, contingency or commitment known, admitted or made as at the statement date or a decline in value of an asset that has occurred; and
- (c) amounts that are appropriated from earned surplus in accordance with the terms of a contract and that can be restored to the earned surplus when the conditions of the contract are fulfilled.

Approval of
financial
statement.

121D. (1) The financial statement shall be approved by the board of directors, and the approval shall be evidenced at the foot of the balance sheet by the signature of two of the directors duly authorized to sign.

Auditor's
report to be
attached.

(2) The auditor's report shall be attached to the financial statement and shall be read at the annual meeting of shareholders and shall be open to inspection by any shareholder.

Offence.

(3) A company is guilty of an offence that issues, circulates or publishes a copy of the financial statement,

- (a) the original of which has not been approved by its board of directors;
- (b) without having the balance sheet signed by two directors; or
- (c) without accompanying the statement with the auditor's report.

Mailing
financial
statements to
shareholders
of public
company.

121E. (1) A public company shall, ten days or more before the date of the annual meeting, send by prepaid post to each shareholder at his latest address as shown on the books of the company a copy of the financial statement and a copy of the auditor's report.

Furnishing
financial
statement to
shareholder
of private
company.

(2) A private company shall, upon demand being made therefor by a shareholder of the company, furnish the shareholder with a copy of the documents mentioned in subsection (1).

Furnishing
financial
statements to
debenture
holders of
public
company.

(3) A public company shall, upon demand being made therefor by any holder of the debentures of the company, furnish such holder without charge therefor with a copy of the documents mentioned in subsection (1) that have most recently been made available to the shareholders prior to such demand.

Filing with
Secretary of
State.

121F. A public company shall, within seven days after mailing to its shareholders a copy of the documents mentioned in subsection (1) of section 121E, file a copy of such documents in the Department of the Secretary of State, together with proof, in such form as may be satisfactory to the Secretary of State, of due compliance with the provisions of that subsection.

Appointment
of auditor at
first general
meeting.

122. (1) The shareholders of a company at their first general meeting shall appoint one or more auditors to hold office until the close of the next annual meeting, and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

(2) The shareholders of a company at each annual meeting shall appoint one or more auditors to hold office until the close of the next annual meeting, and, if an appointment is not so made, the auditor in office continues in office until a successor is appointed.

Annual
appointment
of auditor.

(3) A person, other than a retiring auditor, is not capable of being appointed auditor at an annual meeting unless notice in writing of an intention to nominate that person to the office of auditor has been given by a shareholder of the company not less than fourteen days before the annual meeting; and the company shall send a copy of any such notice to the retiring auditor and to the person it is intended to nominate, and shall give notice thereof to the shareholders, either by advertisement or in any other mode provided by the by-laws of the company, not less than seven days before the annual meeting.

Notice of
intention
to nominate
auditor.

(4) The directors may fill any casual vacancy in the office of auditor, but while the vacancy continues the surviving or continuing auditor, if any, may act.

Vacancy.

(5) The shareholders, by a resolution passed by at least two-thirds of the votes cast at a general meeting of which notice specifying the intention to pass such resolution was given, may remove any auditor before the expiration of his term of office, and shall by a majority of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

Removal of
auditor.

(6) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders or by the directors, if they are authorized to do so by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.

Remunera-
tion.

(7) Where for any reason no auditor is appointed, the Secretary of State may, on the application of any shareholder, appoint one or more auditors to hold office until the close of the next annual meeting and fix the remuneration to be paid by the company for his or their services.

Appointment
by Secretary
of State.

(8) When an auditor is appointed under this section, the company shall give him notice thereof forthwith in writing unless he held that office immediately prior to his appointment.

Notice of
appointment.

123. (1) Except as provided in subsection (2), no person shall be appointed as auditor of a company who is a director, officer or employee of that company

Disqualifica-
tion for
appointment.

Exception in
case of
private
company.

or an affiliated company or who is a partner, employer or employee of any such director, officer or employee.

(2) Upon the unanimous vote of the shareholders of a private company present or represented at the meeting at which the auditor is appointed, a director, officer or employee of that company or an affiliated company, or a partner, employer or employee of the director, officer or employee may be appointed as auditor of that company, if it is not a subsidiary company of a company that was incorporated in any jurisdiction in Canada and is not a private company within the meaning of this Act.

Statement
of auditor's
position.

(3) A person appointed as auditor under subsection (2) shall indicate in his report to the shareholders on the annual financial statement of the company that he is a director, officer or employee of the company or an affiliated company or a partner, employer or employee of the director, officer or employee.

Annual audit.

124. (1) The auditor shall make such examination as will enable him to report to the shareholders as required under subsection (2).

Auditor's
report and
statement.

(2) The auditor shall make a report to the shareholders on the financial statement to be laid before the company at any annual meeting during his term of office and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the company and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period.

Where
statement
required.

(3) The auditor in his report shall make such statements as he considers necessary in any case where,

- (a) the financial statement of the company is not in agreement with the accounting records;
- (b) the financial statement of the company is not in accordance with the requirements of this Act;
- (c) he has not received all the information and explanation that he has required; or
- (d) proper accounting records have not been kept, so far as appears from his examination.

Right of
access to
records.

(4) The auditor of a company shall have access at all times to all records, documents, books, accounts and vouchers of the company, and is entitled to require from the directors and officers of the company

such information and explanation as in his opinion may be necessary to enable him to report as required by subsection (2).

(5) The auditor of a company is entitled to attend any meeting of shareholders of the company and to receive all notices and other communications relating to any such meeting that any shareholder is entitled to receive, unless waived by such auditor, and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor.

Right to
attend
meetings.

(6) A company, upon receipt, not less than seven days before a meeting of shareholders, of a written application of shareholders holding not less than ten per cent of the issued shares of the company that the auditors of the company be requested to attend the meeting, shall forthwith in writing request the auditors to attend that meeting of shareholders, and the auditors shall so attend."

Required
attendance
of auditor.

40. (1) Subsections (1) to (3) of section 125 of the said Act are repealed and the following substituted therefor:

"125. (1) Every company shall, on or before the 1st day of June in every year, make a summary as of the 31st day of March preceding, specifying the following particulars:

Annual
returns.

- (a) the corporate name of the company;
- (b) the manner in which the company is incorporated and the date of incorporation;
- (c) the complete postal address of the head office of the company;
- (d) the date upon which and the place where the last annual meeting of the shareholders of the company was held; and
- (e) the names and complete postal address of the persons who at the date of the return are the directors of the company.

(2) The summary mentioned in subsection (1) shall be completed and filed in duplicate in the Department of the Secretary of State on or before the 1st day of June aforesaid, and each of the duplicates shall be signed and certified by a director or an officer of the company."

Summary to
be filed,
signed and
certified.

(2) Subsection (6) of section 125 of the said Act is repealed and the following substituted therefor:

Proof of
endorsement.

“(6) The duplicate of the said summary endorsed as required under subsection (5) shall be *prima facie* evidence that the summary was filed in the Department of the Secretary of State pursuant to the provisions of this section on any prosecution under this section and the written or stamped signature of an official of the Department of the Secretary of State to the endorsement of the said duplicate shall be deemed *prima facie* evidence that the said official has been designated to affix his signature thereto.”

(3) Subsections (8) to (11) of section 125 of the said Act are repealed and the following substituted therefor:

Companies
exempt.

“(8) Companies incorporated after the 1st day of March in any year are not subject to the provisions of this section until the 31st day of March of the following year.

Where
default
exists.

(9) Where a summary in respect of an earlier year has not been filed with the Department of the Secretary of State or where the annual fees are in default, the summary required under subsection (1) may not be filed until the summary in respect of the earlier year has been filed or until the annual fee has been paid, as the case may be.

Failure to
file for
three con-
secutive
years.

(10) Where a company has for three consecutive years failed to file in the Department of the Secretary of State the summary required under subsection (1), the Secretary of State may, notwithstanding paragraph (c) of subsection (1) of section 140A, give notice to the company that an order dissolving the company will be issued unless within one year after the publication of the notice in the *Canada Gazette* the company files a summary in respect of those three years.

Publication
of notice.

(11) The notice under subsection (10) shall be given by registered mail to the company or by publication of the notice in the *Canada Gazette*.

Dissolution
of company.

(12) One year after the publication of notice in the *Canada Gazette*, if the company has not filed a summary for the three years in respect of which it was in default, the Secretary of State may, by order published in the *Canada Gazette*, declare the company dissolved, and thereupon the company is dissolved, and section 30 applies *mutatis mutandis* thereto.

Notice of
winding up
or
bankruptcy.

(13) Where a company is being wound up or where a company is being administered by a trustee in bankruptcy, the liquidator or trustee, as the case may be, shall annually, without fee therefor, give notice of

the winding up or bankruptcy to the Department of the Secretary of State in lieu of the summary required under subsection (1)."

41. The said Act is further amended by adding thereto, immediately after section 128 thereof, the following heading and section:

"AMALGAMATION.

128A. (1) Any two or more companies incorporated under this Act, including holding and subsidiary companies, may amalgamate and continue as one company.

Amalgama-
tion of
companies.

(2) Companies proposing to amalgamate may enter into an agreement for the amalgamation prescribing its terms and conditions and the mode of carrying the amalgamation into effect.

Amalgama-
tion
agreements.

(3) The amalgamation agreement shall further set out

Particulars
of agreement.

- (a) the name of the amalgamated company;
- (b) the objects of the amalgamated company;
- (c) the amount of its authorized capital, the division thereof into shares and the rights, restrictions, conditions or limitations attaching to any class of shares;
- (d) the place within Canada at which the head office of the amalgamated company is to be situated;
- (e) the names, callings and postal addresses of the first directors thereof;
- (f) when the subsequent directors are to be elected;
- (g) whether or not the by-laws of the amalgamated company are to be those of one of the amalgamating companies and, if not, a copy of the proposed by-laws; and
- (h) such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated company and the manner of converting the authorized and issued capital of each of the companies into that of the amalgamated company as determined pursuant to paragraph (c) above.

(4) The amalgamation agreement shall be submitted to the shareholders of each class of shares of each of the amalgamating companies at general meetings thereof called for the purpose of considering the agreement, and, if three-fourths of the votes of

Adopting
amalgama-
tion
agreements.

each class of shares cast at each meeting are in favour of the amalgamation agreement, the secretary of each of the amalgamating companies shall certify that fact upon the agreement under the corporate seal thereof; and thereafter the agreement shall be deemed to have been adopted by each of the amalgamating companies unless the amalgamation agreement is annulled in accordance with the procedure prescribed in this section.

Application
to court.

(5) Any shareholders holding at least ten per cent of the shares of any class of shares in an amalgamating company and whose dissent was recorded at a meeting of any class of shareholders called to consider the amalgamation agreement may, within seven days of the final vote on the amalgamation agreement, apply to the chief justice or acting chief justice of the court of the province in which the head office of the company is situated, or to a judge of the court designated by either of them, for an order annulling the amalgamation agreement.

Consideration
of application.

(6) The judge to whom an application under subsection (5) is made shall fix a time and place for consideration of the application, which time shall be within fifteen days of the making of such application; and notice thereof shall be given to each of the amalgamating companies, and to the Secretary of State, in such manner as the judge may direct.

Disposing of
application.

(7) The judge considering the application shall hear and determine the matter raised in the application and shall make an order annulling the amalgamation agreement or dismissing the application, and the order of the judge is final and not subject to appeal.

Agreement
annulled
by order.

(8) Where an order is made under subsection (7) annulling an amalgamation agreement, the amalgamation agreement is thereby annulled.

Application of
sections 51 to
56 and 57.

(9) Where a reduction of capital may result from an amalgamation agreement, sections 51 to 56 and section 57 apply, *mutatis mutandis*, as if the amalgamation agreement represented an application for supplementary letters patent confirming a by-law reducing the capital stock of the company.

Filing
amalgama-
tion
agreement.

(10) The amalgamating companies shall, within six months of the date of the final vote on the amalgamation agreement, jointly file with the Secretary of State the amalgamation agreement together with a certificate from the secretary of each of the amalgamating companies establishing the percentage of those who voted in favour of the agreement and the percent-

age of dissentient shareholders, in respect of each class of shares.

(11) Not less than eight days following the final vote on the amalgamation agreement and upon receipt of evidence that no application was made under this section for the annulment of the amalgamation agreement or that, if such an application was made, it was dismissed, the Secretary of State may issue letters patent confirming the agreement; but the requirement of eight days' delay may be dispensed with if the amalgamation agreement has received the approval of more than ninety per cent of the votes of each class of shares cast at each meeting of the amalgamating companies.

Confirmation
by letters
patent.

(12) Notice of the granting of letters patent pursuant to subsection (11) shall forthwith be given by the Secretary of State in the *Canada Gazette*.

Notice of
granting of
letters
patent.

(13) Upon the issue of letters patent pursuant to subsection (11), the amalgamation agreement has full force and effect and

Effect of
confirmation
by letters
patent.

(a) the amalgamating companies are amalgamated and are continued as one company (in this section called the "amalgamated company") under the name and having the authorized capital and objects specified in the amalgamation agreement; and

(b) the amalgamated company possesses all the property, rights, assets, privileges and franchises, and is subject to all the contracts, liabilities, debts and obligations of each of the amalgamating companies.

(14) All rights of creditors against the property, rights, assets, privileges and franchises of a company amalgamated under this section and all liens upon its property, rights, assets, privileges and franchises are unimpaired by the amalgamation, and all debts, contracts, liabilities and duties of the company thenceforth attach to the amalgamated company and may be enforced against it."

Rights of
creditors
preserved

42. The said Act is further amended by adding thereto, immediately after section 140, the following section:

"140A. (1) Notwithstanding any other provisions in this Act where a company

Grounds for
winding-up
company.

(a) fails for two or more consecutive years to hold an annual meeting of its shareholders,

(b) fails to comply with the requirements of section 121E or 121F, or

(c) defaults in complying for six months or more with any requirement of section 125, the company is liable to be wound up and dissolved under the *Winding-up Act* upon the application of the Attorney General of Canada to a court of competent jurisdiction for an order that the company be wound up under that Act, which application may be made upon receipt by the Attorney General of Canada of a certificate of the Secretary of State setting forth his opinion that any of the circumstances described in paragraphs (a) to (c) apply to that company.

Costs of
winding-up.

(2) In any application to the court under subsection (1) the court shall determine whether the costs of the winding-up shall be borne by the company or personally by any or all of the directors of the company who were knowingly responsible for the company's failure or default as described in subsection (1)."

43. Subsection (1) of section 144 of the said Act is repealed and the following substituted therefor:

Application
without
objects of
gain.

"**144.** (1) The Secretary of State may by letters patent under his seal of office grant a charter to any number of persons, not being fewer than three, who apply therefor, constituting the applicants and any other persons who thereafter become members of the corporation thereby created, a body corporate and politic, without share capital, for the purpose of carrying on in more than one province of Canada without pecuniary gain to its members, objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like objects."

44. (1) All that portion of subsection (1) of section 145 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Application
to be filed.

"**145.** (1) The applicants for such letters patent, who shall be of the full age of twenty-one years and have power under law to contract, shall file in the Department of the Secretary of State an application signed by each of the applicants and setting forth the following particulars:"

(2) All that portion of subsection (2) of section 145 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"(2) The application shall be accompanied by the by-laws, in duplicate, of the proposed corporation, which by-laws shall include provisions upon the following matters:"

By-laws to accompany application.

45. (1) Subsection (1) of section 147 of the said Act is repealed and the following substituted therefor:

"**147.** (1) The following provisions of Part I apply to corporations to which this Part applies, namely:

Sections of Part I applicable.

- (a) sections 3 and 4, subsection (4) of section 5, section 6, sections 8 to 11 and section 13;
- (b) section 14 (except paragraph (v) of subsection (1) thereof), and subsections (1), (3), (4) and (5) of section 17;
- (c) sections 18 to 21, sections 24 to 30, section 40, sections 63 to 72, sections 91, 96, 97, 100 and 104;
- (d) paragraphs (a) to (d) of subsection (1) of section 107; and
- (e) sections 110, 111 and 113 to 115, sections 122 to 125A, and sections 129 to 142."

(2) Subsection (3) of section 147 of the said Act is repealed.

46. The said Act is further amended by adding thereto, immediately after Part II thereof, the following Part:

"PART IIA.

SPECIAL ACT CORPORATIONS.

147A. Sections 100, 125, 125A and 140A apply to any corporation without share capital incorporated by Special Act of the Parliament of Canada for the purpose of carrying on, without pecuniary gain to its members, in more than one province of Canada objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or the like objects."

Annual meetings and reports.

47. Subsection (1) of section 149 of the said Act is repealed and the following substituted therefor:

Application
of Part I.

"149. (1) Sections 66 to 82, sections 96 and 97, section 100 and sections 112 to 125 of Part I apply to companies to which this Part applies, except those loan companies and trust companies to which this Part continues to apply."

48. Section 153 of the said Act is repealed and the following substituted therefor:

To manage
company.

"153. The affairs of the company shall be managed by a board of not less than three directors."

49. (1) Part IV of the said Act is repealed.

Proclama-
tion.

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

50. The said Act is further amended by adding thereto, immediately after section 208 thereof, the following section:

Corporate
name in
French or
English
form.

"208A. (1) Subject to subsection (5), a body corporate created otherwise than by letters patent for any of the objects for which the legislative authority of the Parliament of Canada extends may request the Secretary of State to provide it with a French or English form of its corporate name and the Secretary of State, by order, may, in accordance with the request, provide the body corporate with a French or English form of its corporate name.

Order to be
published.

(2) An order made under subsection (1) shall be published by the Secretary of State in the *Canada Gazette*.

Not to be
identical
or objec-
tionable.

(3) A requested French or English form of a corporate name shall not be given to a body corporate under this section if

- (a) the requested form is the same as or similar to the name under which any other corporation, association or firm, in existence, is carrying on business in Canada or is incorporated under the laws of Canada or any province thereof, or so nearly resembles such other name as to be calculated to deceive, unless the existing corporation, association or firm is in the course of being dissolved or of changing its name and signifies its consent in such manner as the Secretary of State may require; or
- (b) the requested form is otherwise on public grounds objectionable.

(4) After the publication of an order under subsection (1), the body corporate mentioned in that order may from time to time as it sees fit use, and it may be legally designated by, either the French or English form of its corporate name as provided in the order, or both forms; and, except as provided in this subsection, the provision of a French or English form of a corporate name does not affect in any way the rights, powers, obligations or liabilities of the body corporate.

Effect of
order.

(5) The provisions set out in paragraph (b) of subsection (3) of section 22 apply in respect of any body corporate provided with a French or English form of its corporate name pursuant to this section.

Corporate
seal.

(6) This section does not apply to a company incorporated under any of the Acts mentioned in paragraph (b), (c) or (d) of subsection (1) of section 5 or to a company carrying on a business described in paragraph (a) of subsection (1) of that section."

Application
of section
restricted.

51. The Schedule to the said Act is repealed.

52. This Act shall come into force on the 1st day of July, 1965.

Coming into
force.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

13-14 ELIZABETH II.

CHAP. 53

An Act to amend the Criminal Code. (*Habeas Corpus*).

[Assented to 3rd April, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, c. 37;
1960-61, cc. 21,
42, 43, 44;
1962-63, c. 4.

1. Subsection (2) of section 691 of the *Criminal Code* is repealed and the following subsections substituted therefor:

“(2) Except as hereinafter in this section provided, the provisions of Part XVIII apply, *mutatis mutandis*, to appeals under this section.

Application of
Part XVIII.

(3) Where an application for a writ of *habeas corpus ad subjiciendum* is refused by a judge of a court having jurisdiction therein, no application may again be made on the same grounds whether to the same or to another court or judge, unless fresh evidence is adduced, but an appeal from such refusal shall lie to the Court of Appeal, and where on such appeal the application is refused a further appeal shall lie to the Supreme Court of Canada.

Refusal of
application,
and appeal.

(4) Where a writ of *habeas corpus ad subjiciendum* is granted by any judge no appeal therefrom shall lie at the instance of any party including the Attorney General of the province concerned or the Attorney General of Canada.

Where writ
granted.

(5) Where a judgment is issued on the return of a writ of *habeas corpus ad subjiciendum*, an appeal therefrom lies to the Court of Appeal, and from a judgment of the Court of Appeal to the Supreme Court of Canada, with the leave of that court, at the instance of the applicant or the Attorney General of

Appeal from
judgment on
return of
writ.

Hearing of
appeal.

the province concerned or the Attorney General of Canada, but not at the instance of any other party.

(6) An appeal in *habeas corpus* matters shall be heard by the court to which the appeal is directed at an early date, whether in or out of the prescribed sessions of the court."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1985

13-14 ELIZABETH II.

CHAP. 54

An Act respecting the operation of certain established Federal-Provincial programs.

[Assented to 3rd April, 1965.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Established Programs (Interim Arrangements) Act*. Short title.

INTERPRETATION.

2. (1) In this Act,
- | | | |
|-----|---|---|
| (a) | “appropriate Minister” means, in relation to a program referred to in this Act, the Minister of the Crown in right of Canada charged from time to time with the administration of that program; | Definitions. “Appropriate Minister.” |
| (b) | “authorizing instrument” | “Authorizing instrument.” |
| | (i) in relation to a standing program other than the program set out in paragraph 4 of Schedule I, means the Act of the Parliament of Canada mentioned in Column I of Schedule I that provides for participation by the Government of Canada in the program and includes any agreement entered into thereunder, and | |
| | (ii) in relation to the program set out in paragraph 4 of Schedule I, means any order in council and rules thereunder replacing Order in Council P.C. 1964-19/559 dated the 23rd day of April, 1964, and the | |

health grants rules made thereunder, and includes the orders in council referred to in subparagraphs (b) and (c) of paragraph 4 of Schedule I;

"Basic tax."

(c) "basic tax" has the same meaning as in section 33 of the *Income Tax Act*;

"Interim period."

(d) "interim period" means the period of time in respect of which a supplementary agreement is in effect with respect to a standing program;

"Operating year."

(e) "operating year" means, in relation to a standing program,

(i) that period of twelve months that commences with the first day of the interim period of the standing program, and

(ii) a period of twelve months immediately following the end of the period mentioned in subparagraph (i) or following immediately after the end of a preceding period and ending within or concurrently with the interim period of the standing program;

"Province."

(f) "province" does not include the Yukon Territory or the Northwest Territories;

"Special program."

(g) "special program" means a program referred to in section 11;

"Standing program."

(h) "standing program" means a program referred to in subsection (1) of section 3;

"Supplementary agreement."

(i) "supplementary agreement" means an agreement authorized by section 3;

"Tax abatement."

(j) "tax abatement" means the percentage that is applied to the basic tax to determine the amount that may be deducted under section 33 of the *Income Tax Act* for a taxation year by an individual; and

"Taxation year."

(k) "taxation year" means a taxation year within the meaning of the *Income Tax Act*.

Computing population of a province.

(2) For the purposes of this Act the population of a province shall be computed in accordance with subsection (4) of section 8A of the *Federal-Provincial Fiscal Arrangements Act*.

STANDING PROGRAMS.

Supplementary agreements.

3. (1) Where a province that is participating in a program enumerated in Schedule I desires to have that program become a program that is to be wholly administered and financed by the province, the appropriate Minister and the Minister of Finance, with the approval of the Governor in Council and notwithstanding any provision of the author-

izing instrument or any regulation made thereunder or in respect thereto, may together enter into a supplementary agreement on behalf of the Government of Canada with the province for the purpose of enabling the province to assume responsibility for that program.

(2) A supplementary agreement shall contain an undertaking by the province that the province shall continue to operate the program in accordance with the authorizing instrument except as to the manner in which the Government of Canada will contribute thereafter in respect of the program and the manner in which accounts are to be submitted.

Supplementary agreement to continue program.

(3) No supplementary agreement in respect of a standing program may be entered into after the 31st day of October, 1965, but a supplementary agreement entered into on or before that day may provide that the agreement shall have effect

Interim period.

- (a) for the period set out opposite that standing program in Column II of Schedule I; or
- (b) for a period commencing concurrently with the second period of twelve months within the period set out opposite that standing program in Column II of Schedule I and ending concurrently with the period so set out.

(4) Where a supplementary agreement is entered into with a province in respect of a standing program, the Government of Canada ceases to be under any obligation, except as provided in this Act, to make any contributions or payments to or for that program in respect of any year in the interim period applicable to that program.

Responsibility of Government of Canada.

(5) For the purposes of a supplementary agreement,

Grouped programs.

- (a) the programs enumerated in paragraph 2 of Schedule I constitute one program (hereinafter referred to as the "special welfare program");
- (b) the projects enumerated in paragraph 3 of Schedule I constitute one program (hereinafter referred to as the "technical training program"); and
- (c) the programs enumerated in paragraph 4 of Schedule I constitute one program (hereinafter referred to as the "health grants program");

and shall be dealt with as such in a supplementary agreement.

4. Those projects included within any of the programs comprised in the general health grants referred to in subparagraph (a) of paragraph 4 of Schedule I that are, in

Research and demonstration projects under health grants program.

the opinion of the appropriate Minister after consultation with provincial authorities, research and demonstration projects shall, for the purposes of this Act, be presumed to be carried out as separate projects not coming within the purview of this Act.

Non-welfare
portion of
unemploy-
ment assist-
ance not
included

5. (1) All that portion of the unemployment assistance program referred to in subparagraph (d) of paragraph 2 of Schedule I that does not constitute the welfare portion of that program shall, for the purposes of this Act, be presumed to be carried out as a separate program not coming within the purview of this Act.

Welfare
portion of
unemploy-
ment assist-
ance.

(2) The welfare portion of the unemployment assistance program shall, for the purposes of this section, be deemed to be that portion of the cost of unemployment assistance paid in a province in an operating year that equals the aggregate of

- (a) the amount of the yield, as determined by the Minister of Finance in respect of the calendar year that is referable to that operating year, of the additional tax abatement applicable in respect of that program in that province pursuant to subparagraph (ii) of paragraph (b) of subsection (2) of section 6, and
- (b) the amount of any tax equalization payment made under section 7 to the province for that program in respect of the calendar year mentioned in paragraph (c).

TAX ABATEMENT AND EQUALIZATION.

Increase of
individual
deduction
from basic
tax.

6. (1) Where a supplementary agreement has been entered into with a province in respect of a standing program, the tax abatement applicable for a taxation year ending in or concurrently with an operating year within the interim period for that standing program shall be increased with respect to the income of an individual earned in that taxation year in that province by adding to the percentage figure of the tax abatement the number of units that apply to the program as specified in subsection (2).

Tax abate-
ment units
assigned
programs.

(2) The number of units that apply to a standing program are as follows:

- (a) fourteen units, in the case of the hospital insurance program;
- (b) four units in the case of the special welfare program, being
 - (i) two units for the programs referred to in subparagraphs (a) to (c) of paragraph 2 of Schedule I, and

- (ii) two units for the program referred to in subparagraph (d) of paragraph 2 of Schedule I;
- (c) one unit, in the case of the technical training program; and
- (d) one unit, in the case of the health grants program.

7. Where a province has entered into a supplementary agreement with respect to a standing program, the Minister of Finance may pay to that province a tax equalization payment computed in accordance with section 8 in respect of a calendar year for which an additional tax abatement has been provided under this Act in respect of that province.

Payment to supplement tax abatement.

8. (1) The tax equalization payment that may be paid, for a standing program, to a province by the Minister of Finance in respect of a calendar year is the amount, as determined by the Minister of Finance, obtained by multiplying the unit equalization value applicable to the province by the number of units that apply to that program under subsection (2) of section 6.

Tax equalization payment.

(2) The unit equalization value mentioned in subsection (1) that is applicable to a province in respect of a standing program is the amount, if any, that, when added to the amount, as determined by the Minister of Finance, representing one per cent of the aggregate amount obtained from the basic tax in the province in respect of a calendar year coinciding with or ending in an operating year of the standing program, will cause

Equalization amount.

- (a) the per capita amount derived by dividing
 - (i) the sum so obtained
 by
 - (ii) the population of the province in that calendar year

to equal

- (b) the per capita amount derived by dividing
 - (i) the amount, as determined by the Minister of Finance, representing one per cent of the aggregate amount obtained from the basic tax in the two provinces in which the per capita amount obtained from the basic tax in respect of that calendar year is greatest
 by
 - (ii) the total population in that calendar year of the two provinces mentioned in subparagraph (i) of this paragraph.

Payment to
adjust for
operating
costs.

9. (1) Where the aggregate, as determined by the Minister of Finance, of

- (a) the total amount of the additional tax abatement applicable in respect of a standing program in a province, as provided for under section 6, for a calendar year, and
- (b) the amount of the tax equalization payment to that province in respect of the standing program referred to in paragraph (a), as provided for under section 7, for that calendar year,

is less than the amount, as determined by the appropriate Minister, that would have been paid by the Government of Canada under the authorizing instrument to the province in respect of the operating year of that program that is referable to the calendar year for which the additional tax abatement was provided, the Minister of Finance may pay to the province an amount equal to the amount of the difference.

Recovery of
excess over
operating
costs.

(2) Where the aggregate, as determined by the Minister of Finance, of

- (a) the total amount of the additional tax abatement applicable in respect of a standing program in a province, as provided for under section 6, for a calendar year, and
- (b) the amount of the tax equalization payment to that province in respect of the standing program referred to in paragraph (a), as provided for under section 7, for that calendar year,

is greater than the amount, as determined by the appropriate Minister, that would have been paid by the Government of Canada under the authorizing instrument to the province in respect of the operating year of that program that is referable to the calendar year for which the additional tax abatement was provided, the amount otherwise payable pursuant to section 7 shall be reduced by the amount of the difference; and if the reduction is insufficient to reduce the difference to zero, an amount equal to the remaining amount of the difference shall be recovered out of any moneys payable to the province under the *Federal-Provincial Fiscal Arrangements Act*, or any Act of the Parliament of Canada substituted therefor, or may otherwise be recovered as a debt due to Canada by the province.

Payments in
lieu of tax
abatement.

10. (1) A supplementary agreement entered into pursuant to this Act in respect of either the technical training program or the health grants program, if it is the only supplementary agreement under this Act entered into by a province, shall provide that, in lieu of an additional tax abatement under section 6, the province shall receive, upon

such terms and conditions, including the time of payment, as may be provided in the agreement, a payment, in respect of an operating year of the program, in an amount not exceeding the amount, as determined by the appropriate Minister, that would have been contributed by the Government of Canada under the authorizing instrument in respect of the operating year.

(2) Where pursuant to subsection (1) a province has agreed to receive an annual payment in lieu of an additional tax abatement in respect of either the technical training program or the health grants program, as the case may be, sections 6 to 9 do not apply in respect of that program.

Non-application of sections 6 to 9.

SPECIAL PROGRAMS.

11. (1) With the approval of the Governor in Council, the appropriate Minister and the Minister of Finance, on behalf of the Government of Canada, may together enter into an agreement with a province that has been participating in a program enumerated in Schedule II to enable the program to be continued more fully under the administrative and financial control of the province.

Agreement respecting special programs.

(2) An agreement under subsection (1) may provide for the continuation of the program specified in the agreement or it may permit the province to substitute therefor a provincial program that in the opinion of the appropriate Minister is a program that would substantially accord with the objectives of the special program that it replaces.

Continuing or substitute programs.

(3) An agreement under subsection (1) shall extend to each fiscal year

Period of agreements.

- (a) in the case of the hospital construction program referred to in paragraph 3 of Schedule II, within the period commencing on the 1st day of April, 1965 and ending on the 31st day of March, 1968;
- (b) in the case of the roads to resources program referred to in paragraph 5 of Schedule II, within the period commencing on the 1st day of April, 1965 and ending, in respect of a province, on the 31st day of March in the year specified in the agreement between the Government of Canada and the province; and
- (c) in the case of any other program enumerated in Schedule II, within the period commencing on the 1st day of April, 1965 and ending on the 31st day of March, 1967.

Amounts to
be paid from
appropri-
ations.

(4) Where an agreement has been entered into under subsection (1) with a province, the Minister of Finance may, in respect of the special program mentioned in the agreement or a provincial program substituted therefor and upon the terms and conditions set out in the agreement, pay to the province out of any moneys appropriated by Parliament for the purposes of the special program an amount not exceeding the amount appropriated by Parliament for that special program and that would, in the opinion of the appropriate Minister, be applicable to that province.

Accounting
and
advances.

12. A special program, or a provincial program substituted for a special program, mentioned in an agreement under section 11, shall be audited and accounts submitted with respect thereto in such manner as may be set out in the agreement, and advances may be made to a province in respect thereof at the times and in the manner agreed upon; but nothing in this Act shall be construed to bind the Government of Canada to pay in respect of any fiscal year any moneys to a province in respect of a special program or any provincial program substituted therefor unless Parliament has appropriated moneys for the purposes of the special program in respect of the fiscal year.

Limit on
roads to
resources
program.

13. The authority conferred by this Act to make a payment to a province in respect of the program referred to in paragraph 5 of Schedule II is limited

- (a) to such amount authorized under the agreement entered into with the province for the establishing of the program therein as is unexpended as of the 1st day of April, 1965; and
- (b) by the amounts of the annual payments set out in the agreement referred to in paragraph (a).

PAYMENTS FOR STANDING PROGRAMS.

Payments to
be out of
C.R.F.

14. The amounts authorized under sections 7, 9 and 10 to be paid by the Minister of Finance shall be paid out of the Consolidated Revenue Fund, by advances or otherwise, at such times and in such manner as may be prescribed by the regulations.

CONSEQUENTIAL PROVISIONS.

Publication
of additional
tax abate-
ment.

15. Where, by virtue of section 6, the tax abatement applicable for a taxation year is increased with respect to a province, the Governor in Council shall, by publication

in the *Canada Gazette* and in such other manner as is deemed expedient, cause notice to be given of the tax abatement so applicable.

16. In computing the standard individual income tax for the purposes of the *Federal-Provincial Fiscal Arrangements Act*, the additional tax abatement that may, pursuant to this Act, be deducted under section 33 of the *Income Tax Act* shall be deemed to have been payable under the *Income Tax Act* on the incomes described in paragraph (g) of subsection (1) of section 2 of the *Federal-Provincial Fiscal Arrangements Act*.

Standard individual income tax under fiscal arrangements.

17. Nothing in this Act shall be construed to restrict the powers of the Auditor General under Part VII of the *Financial Administration Act*.

Powers of Auditor General not affected.

18. For the purposes of paragraph (a) of subsection (3) of section 95 of the *Financial Administration Act*, an additional tax abatement provided for under section 6 of this Act shall be deemed, in relation to any payment made by a province under the standing program to which the additional tax abatement is applicable, to be a contribution by Canada towards that payment.

Contribution by Canada.

19. (1) Section 33 of the *Income Tax Act* is repealed and the following substituted therefor:

R.S., c. 148.

"33. (1) There may be deducted from the tax otherwise payable under this Part by an individual for a taxation year (hereinafter in this subsection referred to as the "basic tax") such of the following amounts as is applicable:

Deductions from tax on income earned in a province.

(a) in respect of the 1965 taxation year

- (i) an amount that bears the same relation to 21% of the basic tax that his income earned in the taxation year in a province bears to his income for the taxation year, and
- (ii) in the case of income earned in the taxation year in a province providing schooling allowances within the meaning of the *Youth Allowances Act*, an amount that bears the same relation to 3% of the basic tax that his income earned in the taxation year in the province bears to his income for the taxation year;

(b) in respect of the 1966 taxation year

(i)

- (i) an amount that bears the same relation to 24% of the basic tax that his income earned in the taxation year in a province bears to his income for the taxation year, and
- (ii) in the case of income earned in the taxation year in a province providing schooling allowances within the meaning of the *Youth Allowances Act*, an amount that bears the same relation to 3% of the basic tax that his income earned in the taxation year in the province bears to his income for the taxation year.

"His income for the taxation year" defined.

(2) A reference in subsection (1) to "his income for the taxation year" means

- (a) in the case of an individual to whom section 29 applies, who was resident in Canada during part of the taxation year and during some other part of the year was not resident in Canada, the aggregate described in paragraph (a) of section 29; and
- (b) in the case of an individual to whom section 31 applies, who was not resident in Canada at any time in the taxation year, the amount determined under paragraph (a) of subsection (1) of section 31 as his income for the year from all duties performed by him in Canada and all businesses carried on by him in Canada.

Definitions.

"Income earned in the taxation year" in a province.

- (3) In this section,
- (a) "income earned in the taxation year" in a province means amounts determined under rules prescribed for the purpose by regulations made on the recommendation of the Minister of Finance;

"Province."

- (b) "province" does not include the Northwest Territories or the Yukon Territory; and

"Tax otherwise payable under this Part."

- (c) "tax otherwise payable under this Part" means the amount that, but for this section, would be the tax payable by a taxpayer under this Part for the taxation year in respect of which the expression is being applied if the taxpayer were not entitled to any deduction under section 41 or 41A and were not liable for the payment of any amount by virtue of subsection (3) of section 10 of the *Old Age Security Act*."

(2) This section is applicable to the 1965 and 1966 taxation years.

REGULATIONS.

- 20.** The Governor in Council may make regulations Regulations.
- (a) respecting payment to a province of advances to be made pursuant to this Act, the adjustment of other payments by reason of such advances, and the recovery of overpayments;
 - (b) respecting the time and manner of making any payment under this Act to a province;
 - (c) respecting the determination of any matter that under this Act is to be determined by the appropriate Minister or the Minister of Finance;
 - (d) prescribing the calendar year that is referable to a particular operating year of a standing program, or the operating year of a standing program that is referable to a particular calendar year, and providing rules for the relating of accounting periods; and
 - (e) respecting such matters as may be required to be prescribed for the purposes of this Act.

SCHEDULE I.

STANDING PROGRAMS.

| COLUMN I (Program) | COLUMN II (Interim Period) |
|---|--|
| 1. The hospital insurance program under the <i>Hospital Insurance and Diagnostic Services Act.</i> | 1 January 1965 to 31 December 1970 |
| 2. (a) Old age assistance under the <i>Old Age Assistance Act.</i> (b) Blind persons allowances under the <i>Blind Persons Act.</i> (c) Disabled persons allowances under the <i>Disabled Persons Act.</i> (d) Unemployment assistance under the <i>Unemployment Assistance Act.</i> | 1 April 1965 to 31 March 1970 |
| 3. The following projects under the <i>Technical and Vocational Training Assistance Act</i> , namely: | |
| (a) vocational high school training; (b) technical training; (c) training of the disabled; (d) training of technical and vocational teachers; (e) student aid; (f) technical and vocational correspondence courses; (g) that part of the trade and occupational training program that does not relate to the training of persons who are already members of the labour force. | 1 April 1965 to 31 March 1967 |
| 4. Those several following programs, to be known collectively as and comprising the health grants program, that is to say: | |
| (a) the General Health Grants referred to in Order in Council P.C. 1964-19/559 dated the 23rd day of April, 1964, or as varied by any Appropriation Act or by order in council; (b) the Disability Advisory Services Program authorized under Order in Council P.C. 1954-20/1966 dated the 16th day of December, 1954; and (c) the Blind Pensioners Treatment Program authorized under Order in Council P.C. 3/666 dated the 4th day of February, 1952. | 1 April 1965 to 31 March 1967 |

SCHEDULE II.

SPECIAL PROGRAMS.

1. Agricultural Lime Assistance program, being that program referred to in Order in Council P.C. 1958-6/336 of March 4, 1958.
2. Forestry programs of a substantially similar nature to the shared-cost programs carried out under agreements authorized by the following Orders in Council, namely:
 - P.C. 1964-17/435 of March 26, 1964
(Composite agreement, all provinces)
 - P.C. 1964-12/367 of March 12, 1964
(Aerial spraying agreement, New Brunswick)
 - P.C. 1964-14/926 of June 25, 1964
(Forest improvement agreement, Nova Scotia).
3. Hospital Construction program, being that program referred to in Order in Council P.C. 1964-19/559 of April 23, 1964.
4. Camp Grounds and Picnic Areas program, being that program referred to in Vote No. 10 of the Department of Northern Affairs and National Resources and set out in the Schedule to the *Appropriation Act No. 5, 1963*.
5. Roads to Resources program, being that program authorized by the following Orders in Council, namely:
 - (B.C.) P.C. 1958-1460 of October 23, 1958
 - (Alta.) P.C. 1959-1473 of November 13, 1959
 - (Man.) P.C. 1959-1474 of November 13, 1959
 - (Ont.) P.C. 1959-1475 of November 13, 1959
 - (N.S.) P.C. 1959-1476 of November 13, 1959
 - (P.E.I.) P.C. 1959-1551 of December 7, 1959
 - (Nfld.) P.C. 1959-1552 of December 7, 1959
 - (N.B.) P.C. 1959-1577 of December 10, 1959
 - (Sask.) P.C. 1959-1626 of December 22, 1959
 - (Que.) P.C. 1960-1320 of September 28, 1960.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

TABLE OF CONTENTS

PUBLIC GENERAL ACTS

SECOND SESSION, TWENTY-SIXTH PARLIAMENT, 13-14 ELIZABETH II, 1964-65.

(Page figures denote numbers at the bottom of the page.)

| CHAP. | ASSENTED TO MARCH 30, 1964 | PAGE |
|-------|---|------|
| 1. | Appropriation Act No. 1, 1964..... | 3 |
| 2. | Trans-Canada Air Lines Act..... | 11 |
| | ASSENTED TO APRIL 3, 1964 | |
| 3. | Appropriation Act No. 3, 1964..... | 13 |
| | ASSENTED TO APRIL 6, 1964 | |
| 4. | Appropriation Act No. 2, 1964..... | 19 |
| | ASSENTED TO APRIL 13, 1964 | |
| 5. | Appropriation Act No. 4, 1964..... | 25 |
| | ASSENTED TO MAY 21, 1964 | |
| 6. | Blue Water Bridge Authority Act..... | 35 |
| 7. | Customs Tariff, an Act to amend..... | 47 |
| 8. | Estate Tax Act, an Act to amend..... | 55 |
| | ASSENTED TO MAY 28, 1964 | |
| 9. | Appropriation Act No. 5, 1964..... | 63 |
| | ASSENTED TO JUNE 18, 1964 | |
| 10. | Bank Act and the Quebec Savings Banks Act, an Act to amend..... | 71 |
| 11. | Crown Corporations (Provincial Taxes and Fees) Act..... | 73 |
| 12. | Farm Credit Act, an Act to amend..... | 77 |
| 13. | Income Tax Act, an Act to amend..... | 81 |
| 14. | Judges Act and the Exchequer Court Act, an Act to amend..... | 105 |
| 15. | National Housing Act, 1954, an Act to amend..... | 107 |
| 16. | Ste-Foy-St-Nicolas Bridge Act..... | 123 |
| | ASSENTED TO JUNE 30, 1964 | |
| 17. | Appropriation Act No. 6, 1964..... | 125 |
| 18. | Export Credits Insurance Act, an Act to amend..... | 131 |
| 19. | Roosevelt Campobello International Park Commission Act..... | 135 |

TABLE OF CONTENTS

| CHAP. | ASSENTED TO JULY 16, 1964 | PAGE |
|-------|--|------|
| 20. | Appropriation Act No. 7, 1964..... | 140 |
| 21. | National Defence Act, an Act to amend..... | 147 |
| 22. | Territorial Sea and Fishing Zones Act..... | 153 |
| 23. | Youth Allowances Act..... | 165 |
| | ASSENTED TO JULY 28, 1964 | |
| 24. | Canada Student Loans Act..... | 171 |
| | ASSENTED TO AUGUST 7, 1964 | |
| 25. | Appropriation Act No. 8, 1964..... | 181 |
| | ASSENTED TO AUGUST 13, 1964 | |
| 26. | Federal-Provincial Fiscal Revision Act, 1964..... | 189 |
| | ASSENTED TO SEPTEMBER 16, 1964 | |
| 27. | Farm Improvement Loans Act, an Act to amend..... | 195 |
| | ASSENTED TO OCTOBER 15, 1964 | |
| 28. | Crop Insurance Act, an Act to amend..... | 197 |
| 29. | Farm Machinery Syndicates Credit Act..... | 201 |
| | ASSENTED TO NOVEMBER 5, 1964 | |
| 30. | Appropriation Act No. 9, 1964..... | 207 |
| | ASSENTED TO NOVEMBER 20, 1964. | |
| 31. | Electoral Boundaries Readjustment Act..... | 215 |
| 32. | Establishment of Harbour Commissions..... | 225 |
| 33. | Newfoundland Acts repealed..... | 237 |
| | ASSENTED TO DECEMBER 2, 1964 | |
| 34. | Main Supply Bill—Appropriation Act No. 10, 1964..... | 239 |
| | ASSENTED TO DECEMBER 18, 1964 | |
| 35. | Combines Investigation Act and the Criminal Code, an Act to amend an Act to amend the..... | 283 |
| 36. | Judges Act, an Act to amend the..... | 285 |
| | ASSENTED TO MARCH 18, 1965 | |
| 37. | Canada-Japan Income Tax Convention Act, 1965..... | 287 |
| 38. | Canada Labour (Standards) Code..... | 307 |
| 39. | Canada Shipping Act, an Act to amend..... | 329 |
| 40. | Insurance, Department of, an Act to amend certain Acts administered in the.... | 351 |
| 41. | Canadian National Railways Financing and Guarantee Act, 1964..... | 407 |
| 42. | Coal Production Assistance Act, an Act to amend..... | 413 |
| 43. | Corporations and Labour Unions Returns Act, an Act to amend..... | 415 |

TABLE OF CONTENTS

iii

| CHAP. | ASSENTED TO MARCH 18, 1965—Concluded | PAGE |
|---------------------------|--|------|
| 44. | Geneva Conventions Act, 1949, an Act respecting..... | 419 |
| 45. | Merchant Seamen Compensation Act, an Act to amend..... | 567 |
| 46. | Penitentiary Act, an Act to amend..... | 571 |
| 47. | Privileges and Immunities (United Nations) Act, an Act to amend..... | 573 |
| 48. | Revised Statutes of Canada, an Act respecting..... | 575 |
| ASSENTED TO APRIL 3, 1965 | | |
| 49. | Appropriation Act No. 1, (Interim), 1965..... | 579 |
| 50. | Appropriation Act No. 2 (Supplementary), 1965..... | 589 |
| 51. | Canada Pension Plan..... | 605 |
| 52. | Companies Act, an Act to amend..... | 691 |
| 53. | Criminal Code (Habeas Corpus), an Act to amend..... | 737 |
| 54. | Established Programs (Interim Arrangements) Act..... | 739 |

INDEX

TO

PUBLIC GENERAL ACTS

SECOND SESSION, TWENTY-SIXTH PARLIAMENT, 13-14 ELIZABETH II, 1964-65

Air-Canada *See* **Trans-Canada Air Lines**

Appropriation, cc. 1, 3, 4, 5, 9, 17, 20, 25, 30, 34,
49, 50

Bank and Quebec Savings Banks, c. 10
duration of authority, 1, 2

Blue Water Bridge Authority, c. 6
preamble
short title, 1
definitions, 2
joint operation, 3-23
 organization, 3-6
 powers and duties, 7, 8
 revenues, 9-12
 issuance of bonds, 13-18
 accounting, 19
 miscellaneous, 20-23
Canadian operation, 24, 25

Canada-Japan Income Tax Convention, c. 37
short title, 1
convention approved, 2
commencement and termination, 3
supplementary conventions, 4-7
 Denmark approved, 4
 Finland approved, 5
 Netherlands approved, 6
Schedules

Canada Labour (Standards) Code, c. 38
short title, 1
interpretation, 2
application, 3, 4
hours of work, 5-10
minimum wages, 11-14
annual vacations, 15-23
general holidays, 24-34
administration and general, 35-54

Canada Pension Plan, c. 51
short title, 1
interpretation, 2
application and operation, 3, 4

PART I

Contributions, 5-42
 contributions payable, 6-10
 calculation of, 11-21
 collection, 22-38
 general, 39-42

Canada Pension Plan, c. 51—Concluded

PART II

Pensions and Suppl. Benefits, 43-92
 benefits payable, 44
 calculation of benefits, 45-58
 payment of benefits, 59-82
 appeals, 83-88
 general, 89-92

PART III

Administration, 93-117
 general, 94-96
 records and information, 97-108
 reciprocal agreements, 109
 financial provisions, 110-114
 amendments to Act, 115
 report of chief actuary, 116
 advisory committee, 117
 annual report to Parl., 118

PART IV

Amendments
 to Old Age Security Act, 119-125

Canada Shipping, c. 39
interpretation, 1
small vessel licensing, 2
limitation, 3
tugs, 4
small ships, 4
masters and mates of fishing vessels, 5
 certificates, 5
 regulations, 6
 inspections, 7
issue of certificates, 8, 10
survey or inspection, 9
certificates, modification and posting, 11, 12
 effect of, 13
 dispensing with, 14
passenger ships, 15
clearance delayed, 16
international voyages, 17
radio installations, 18
if no radio certificate, 19
annual inspection, 20, 21
radio certificates, 22-24
 information sent, 25
 repeal, 26
production of certificates, 27
Oil Pollution Prevention, 28
regulations, 28-30
limitation fund, 31, 32
liability limit, 32
tonnage of small vessel, 33
ship's release, 34
coasting trade, 35
repeal, 36
coming into force, 37

Canada Student Loans, c. 24

- short title, 1
- interpretation, 2
- guaranteed student loans, 3
- interest and repayment, 4, 5
- liability of Minister, 6-9
- certificates of eligibility, 10, 11
- alternative payments, 12
- regulations, 13
- offences, 14
- general, 15-18

C.N.R. Financing and Guarantee, c. 41

- short title, 1
- definitions, 2
- capital expense, 3, 4
- guarantees, 5
- loans, 6
- general, 7-14

Coal Production Assistance, c. 42

- agreements extended, 1

Companies Act, c. 52

- corporations in lieu of companies, 1, 2
- interpretation, 3
- provisions directory, 4
- incorporation, 5
- qualification of applicants, 6
- issue of letters patent, 7
- notices, 8
- date of existence, 9
- shares, 10, 11, 33
- ancillary powers, 12
- holding company, 13
- extension or reduction of powers, 14, 23
- changes, 15
- name of company, 16
- surrender of charter, 17
- issue of certificate, 18
- issue of share warrants, 19
- capital structure, 20
- cancellation of pref. shares, 21
- repeal, 22, 25, 30
- supplementary letters, 23, 24
- redemption of shares, 26, 27, 28
- hypothecation, 29
- prospectus, 31
- directors, 34
- qualifying after election, 35
- disclosure of purchases, 37
- notice of meeting, 38
- books of account, 39
- information for meeting, 39
- financial statement, 39
- annual audit, 39
- annual returns, 40
- amalgamation, 41
- winding-up, 42
- without objects of gain, 43
- application to be filed, 44
- sections applicable, 45
- Special Act Corporations, 46
- application of Part I, 47
- to manage company, 48
- proclamation, 49
- corporate name, 50
- schedule repealed, 51
- coming into force, 52

Corporations and Labour Unions Returns, c. 43

- relieving provision, 1
- compliance, 2
- repeal, 3
- Dominion Statistician, 4
- regulations, 5
- sections applicable, 6

Criminal Code (Habeas Corpus), c. 53

- appeal in *habeas corpus*, 1

Crop Insurance, c. 28

- agreements, 1
- reinsurance fund, 2
- use of premium receipts, 3
- rebate of levy, 4

Crown Corporations (Provincial Taxes and Fees), c. 11

- short title, 1
- taxes or fees, 2
- description, 3
- determination, 4
- liability of corporation, 5
- direction operative, 6
- Schedule

Customs Tariff, c. 7

- Schedule A amended, 1
- Schedule B amended, 2
- commencement, 3
- Schedules A and B

Denmark See Canada-Japan**Electoral Boundaries Readjustment, c. 31**

- short title, 1
- interpretation, 2
- establishment of commissions, 3, 4
- constitution and membership, 5-10
- commencement and preparation of report, 11-17
- completion of report, 18-21
- representation order, 22-27
- general, 28-32

Established Programs (Interim Arrangements), c. 54

- short title, 1
- interpretation, 2
- standing programs, 3-5
- tax abatement and equalization, 6-10
- special programs, 11-13
- payments for standing programs, 14
- consequential provisions, 15-19
- regulations, 20
- Schedules

Estate Tax, c. 8

- property included, 1
- taxable value, 2
- deductions, 3, 5
- penalties, 4
- saving provision, 6

Exports Credits Insurance, c. 18

- exemption from I.T., 1
- section repealed, 2
- definitions, 3, 5
- limit of liability, 4, 5

Farm Credit, c. 12

- definitions, 1
- capital, 2
- loans, 3-7
- interest, 4, 5
- maximum, 6

Farm Improvement Loans, c. 27

- Maximum amount, 1
- conditions, 2

Farm Machinery Syndicates Credit, c. 29

- short title, 1
- interpretation, 2
- syndicate loans, 3
- amount of loan, 4
- term and interest, 5
- service charge, 6
- financial provisions, 7, 8
- regulations, 9
- general, 10-12
- annual report, 13
- coming into force, 14

Federal-Provincial Fiscal Revision, c. 26

- short title, 1
- tax sharing arrangements, 2
- Newfoundland grant, 3
- fiscal arrangements, 4
- Crown corporations, 5
- youth allowances, 6
- income tax, 7
- general, 8

Finland *See* Canada-Japan**Geneva Conventions, c. 44**

- short title, 1
- conventions approved, 2
- grave breaches of conventions, 3
- legal proceedings in respect of protected persons, 4-8
- general, 9
- Schedules

Harbour Commissions, c. 32

- short title, 1
- interpretation, 2
- establishment of commissions, 3, 4
- members and staff, 5-8
- general powers, 9-12
- by-laws, 13
- borrowing powers, 14
- finances, 15-18
- expropriation, 19
- payments of rates, 20
- seizures, 21-23
- evidence, 24
- general, 25-29
- transitional, 30, 31
- Schedule

Income Tax, c. 13

- legal costs, 1
- compensation by Germany, 2
- contribution to pension fund, 3
- unpaid amounts, 5
- depreciable property, 6
- students, 3, 7
- tax, 8, 9, 11, 12
- part payments, 10
- manufacturing, 13
- deductions, 14
- annuity, 15
- sale of accounts, 16
- notices of appeal, 17, 18
- Part repealed, 19
- non-residents, 21
- additional tax, 23
- gift from community, 23
- superannuation benefit, 24
- shares, 25
- paid-up capital value, 25

Insurance, Dept. of, Acts administered by, c. 40

- Canadian and British Insurance Companies, 1-18
- Foreign Insurance Companies, 19-26
- Trust Companies, 27-34
- Loan Companies, 35-43
- commencement of ss. 31 and 39, 44

Japan *See* Canada-Japan etc.**Judges, c. 36**

- additional judges, 1-4

Judges and Exchequer Court, c. 14

- salaries of judges, 1
- Exchequer Court, 2, 3

Labour Code *See* Canada Labour**Merchant Seamen Compensation, c. 45**

- time disabled, 1
- burial expenses, 2
- section repealed, 3
- minimum compensation, 4
- average earnings, 5
- additional compensation, 6
- coming into force, 7

National Defence, c. 21

- Chief of the Defence Staff, 1
- non-public property, 2
- constitution of D.R. Board, 3
- transfer of offenders, 4
- illegal findings, 5
- procedure, 6, 7
- call out of army, navy and air force, 8
- aid of civil power, 9
- commencement, 10

National Housing, c. 15

- maximum interest, 1
- insurable loans, 2
- default, 3
- investments and advances, 4
- loans to non-profit corporations, 5
- advances out of C.R.F., 6, 12
- urban renewal, 7
- public housing, 8, 9
- university housing, 10, 11
- loans for sewage treatment, 13
- reduction of indebtedness, 14
- loans not available, 16

Netherlands *See* Canada-Japan**Newfoundland Statutes respecting Harbours and Pilotage repealed, c. 33**

- repeal, 1-4
- coming into force, 5

Penitentiary, c. 46

- custody in prison or place other than a penitentiary, 1

Privileges and Immunities (United Nations), c. 47

- long title, 1
- short title, 2
- organization defined, 3

Quebec Savings Banks *See* Bank

Revised Statutes of Canada, c. 48

- Commission established, 1
- duties of commission, 2
- certified Roll, 3
- Schedule, 4
- alterations, 5
- statutes in force, 6
- effect of proclamation, 7
- repeal not to revive dead law, nor retroactive, 8
- statutes not new laws, 9
- references to repealed Acts, 10
- effect of Schedule A, 11
- copies as evidence, 12
- distribution and printing, 13
- citation of R.S., 14
- printing and construction of this Act, 15

Roosevelt Campobello International Park Commission, c. 19

- short title, 1
- interpretation, 2
- powers and exemptions of Commission, 3-6
- report to Parliament, 7
- coming into force, 8

Shipping *See* Canada Shipping**Ste-Foy-St-Nicolas Bridge, c. 16**

- short title, 1
- construction of bridge authorized, 2
- plans and drawings, 3
- regulations, 4

Student Loans *See* Canada Student Loans**Territorial Sea and Fishing Zones, c. 22**

- short title, 1
- general, 2-6
- consequential amendments, 7-12
- coming into force, 13

Trans-Canada Air Lines, c. 2

- name changed to "Air-Canada", 1
- rights saved, 2
- right to use names, 3
- coming into force, 4

Youth Allowances, c. 23

- short title, 1
- interpretation, 2
- youth allowances, 3-6
- general, 7-13

TABLE OF PUBLIC STATUTES 1907 TO 1964-65

SHOWING ALL THE CHAPTERS OF THE REVISED STATUTES, 1952, WITH AMENDMENTS THERETO, AND CERTAIN OTHER PUBLIC ACTS AND AMENDMENTS THERETO FROM 1907 TO 1964-65*

"C.S." means Consolidating Statute

Note: Chapter numbers, in *italics* under the heading R.S., 1952, indicate amendments to, or repeal of, Acts already included in previous volumes of the Revised Statutes.

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|---|
| A | | |
| Admiralty..... | 1 | 1963, c. 19. |
| Aeronautics..... | 2, <i>302</i> | |
| Agricultural Credit (<i>See</i> Dominion Agricultural Credit Company). | | |
| Agricultural Fertilizers (<i>See</i> Fertilizers). | | |
| Agricultural Pests' Control (<i>See</i> Pest Control Products). | | |
| Agricultural Prices Support..... | 3 | Repealed, 1957-58, c. 22, s. 17. |
| Agricultural Products Board..... | 4 | |
| Agricultural Products Co-operative Marketing..... | 5 | |
| Agricultural Products Marketing..... | 6 | 1957, c. 15. |
| Agricultural Products Standards (<i>See</i> Canada Agricultural). | | |
| Agricultural Rehabilitation and Development..... | | 1960-61, c. 30 |
| Agricultural Stabilization..... | | 1957-58, c. 22. |
| Agriculture (<i>See</i> Dept. of). | | |
| Air Canada, <i>See also</i> Trans-Canada Air Lines | | 1964-65, c. 2. |
| Air, Carriage by (<i>See</i> Carriage by Air). | | |
| Albani (<i>See</i> Port Alberni). | | |
| Alberta-British Columbia Boundary..... | | 1932, c. 5. |
| Alberta-British Columbia Boundary, 1955... | | 1955, c. 24. |
| Alberta Criminal Procedure..... | | 1930, c. 12. |
| Alberta Natural Resources (<i>See also</i> Natural Resources)..... | | 1930, c. 3; 1931, c. 15; 1938, c. 36; 1940-41, c. 22; 1945 (2 Sess.), c. 10; 1951 (1 Sess.), c. 37. |
| Alberta-North West Territories..... | | 1957-58, c. 23. |
| Alien Labour..... | 7 | |
| Allied veterans Benefit..... | 8 | |
| Animal Contagious Diseases..... | 9 | 1953-54, c. 12; 1958, c. 11. |
| Annual Vacations..... | | 1957-58, c. 24. |
| Annuities (<i>See</i> Government Annuities). | | |
| Appropriation Acts..... | | 1952, cc. 2, 3, 4, 55; 1952-53, cc. 11, 12, 54; 1953-54, cc. 24, 25, 29, 67; 1955, cc. 7, 8, 18, 25, 60; 1956, cc. 3, 4, 13, 16, 27, 32; 1956-57, c. 1; 1957, cc. 1, 2, 13, 14, 39; 1957-58, cc. 1, 9, 21; 1958, cc. 1, 4, 10, 21 (Special), 44; 1959, cc. 1, 2, 3, 11, 55; 1960, cc. 3, 5, 6, 11, 16, 43; 1960-61, cc. 3, 11, 12, 27, 40, 64; 1962, cc. 1, 12, 20, 23, 24; 1962-63, cc. 1, 3, 9; 1963, cc. 1, 9, 15, 20, 42; 1964-65, cc. 1, 3, 4, 5, 9, 17, 20, 25, 30, 34, 49, 50. |
| Appropriation (Special)..... | | 1958, c. 21; 1963, c. 2. |
| Archives (<i>See</i> Public Archives). | | |
| Armistice Day (<i>See</i> Remembrance Day). | | |
| Army Benevolent Fund..... | 10, <i>303</i> | 1960-61, c. 31. |

*There are a certain number of Acts, in force before 1952, which have not been repealed and have not been consolidated for the Revised Statutes, 1927 or of 1952. Therefore as those Acts are still in force they are included in this Table.

Also in the Revised Statutes of Canada, 1927, and in the Statutes of Canada, from 1927 to 1952, there are a number of sections (or parts thereof) still in force, reference should be made to Schedule A of Volume V (Supplement) of the Revised Statutes of Canada, 1952.

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|--|
| A | | |
| Atlantic Development Board..... | | 1962-63, c. 10; 1963, c. 5. |
| Atlantic Fisheries (<i>See</i> Northwest Atlantic, etc.). | | |
| Atlantic Provinces Power Development..... | | 1957-58, c. 25. |
| Atomic Energy Control..... | 11 | 1953-54, c. 40, s. 15; 1953-54, c. 47. |
| Auditors for National Railways (<i>See</i> National Railways, Auditors for). | | |
| Australian Trade Agreement..... | | 1925, c. 30; 1931, c. 16; 1960, c. 17; this Act repeals the agreement of 1931. |
| Austria, Treaty of Peace..... | | 1919 (2 Sess.), c. 30. |
| B | | |
| Bank..... | 12 | Rep. & New 1953-54, c. 48; 1964-65, c. 10. |
| Bank of Canada..... | 13 | R.S., 1952, c. 315, s. 30; 1953-54, c. 33. |
| Bankruptcy..... | 14 | |
| Battlefields (<i>See</i> National Battlefields). | | |
| Beauharnois Light, Heat and Power Co..... | | 1931, cc. 19, 20; 1940, c. 20; 1947, c. 26. |
| Beechwood Power Project..... | | 1957-58, c. 26. |
| Belgian Trade Convention..... | | 1924, c. 9. |
| Belgium (<i>See</i> Canada Belgium). | | |
| Belleville Harbour Commissioners..... | | 1952, c. 34; <i>See</i> 1964-65, c. 32. |
| Bill of Rights (<i>See</i> Canadian Bill of Rights). | | |
| Bills of Exchange..... | 15 | |
| Bills of Lading..... | 16 | |
| Binder Twine (<i>See</i> Inspection and Sale). | | |
| Blind Persons..... | 17 | 1955, c. 26; 1957, c. 14, s. 11; 1957-58, c. 4; 1962, c. 2; 1963, c. 26. |
| Blue Water Bridge Authority..... | | 1964-65, c. 6. |
| Boards of Trade..... | 18 | |
| Boucherville Islands Bridge and Tunnel..... | | 1963, c. 6. |
| Bretton Woods Agreements..... | 19 | 1959, c. 19. |
| Bridge over St. Lawrence at Valleyfield.... | | 1951 (1 Sess.) c. 10. |
| Bridges..... | 20 | |
| British Columbia Coast Steamship Service. | | 1958, c. 7. |
| British Columbia Divorce Appeals..... | 21 | |
| British Columbia Indian Reserves Mineral Resources..... | | 1943-44, c. 19. |
| British Columbia (<i>See</i> Alberta-British Columbia Boundary). | | |
| British North America..... | 304 | |
| Broadcasting..... | | 1958, c. 22. |
| Buffalo and Fort Erie Public Bridge Company..... | | 1957-58, c. 10. |
| Bulgarian Peace Treaty..... | | 1920, c. 4. |
| Business Profits, Tax on..... | | 1916, c. 11; 1917, c. 6; 1918, c. 10; 1919, c. 39; 1920, c. 36; 1923, c. 34; 1924, c. 10 (37); 1926- 27, c. 34; 1937, c. 19. |
| C | | |
| Campobello-Lubec Bridge..... | | 1958, c. 23. |
| Canada Agricultural Products Standards.... | | 1955, c. 27; 1958, c. 5. |
| Canada-Australia Income Tax Agreement, 1958..... | | 1957-58, c. 27. |
| Canada-Belgian Congo Income Tax Con- vention Act, 1958..... | | 1958, c. 12. |
| Canada-Belgium Income Tax Convention Act, 1958..... | | 1958, c. 13. |
| Canada Corporation Act..... | | 1964-1965, c. 52 |
| Canada Council..... | | 1957, c. 3. |
| Canada Dairy Products..... | 22, 305 | |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|--|
| C | | |
| Canada-Denmark Income Tax Agreement, 1956..... | | 1956, c. 5; 1964-65, c. 37. |
| Canada Elections..... | 23, 306 | R.S., 1952, c. 334, ss. 8, 9; 1952-53, c. 24, ss. 4, 7; 1955, c. 44; 1960, cc. 7, 39, R.S., c. 23 repealed and new, 1960, c. 39, s. 115. 1952-53, c. 2; 1953-54, c. 51 (s. 749). 1952-53, c. 19. |
| Canada Evidence..... | 307 | |
| Canada Fair Employment Practices..... | | |
| Canada-Finland Income Tax Convention Act, 1959..... | | 1959, c. 20; 1964-65, c. 37. |
| Canada Forestry..... | 24 | Repealed 1960, c. 41, s. 17. |
| Canada-France Convention..... | | 1932-33, c. 30. |
| Canada-France Income Tax Convention..... | | 1951 (1 Sess.), c. 40; 1952, c. 18. |
| Canada-France Succession Duty..... | | 1951 (1 Sess.), c. 41. |
| Canada-France Trade Agreement..... | | 1932-33, c. 31; 1935, c. 2. |
| Canada-Germany Income Tax Agreement, 1956..... | | 1956, c. 33. |
| Canada-Germany Trade Agreement..... | | 1937, c. 20. |
| Canada Grain..... | 25, 308 | 1955, c. 9; 1962, c. 25; 1963, c. 41, s. 1. |
| Canada-Guatemala Trade Agreement..... | | 1938, c. 19. |
| Canada-Hayti Trade Agreement..... | | 1938, c. 20. |
| Canada-Ireland Income Tax Agreement..... | | 1955, c. 10. |
| Canada-Ireland Succession Duty Agreement..... | | 1955, c. 11. |
| Canada-Japan I.T. Convention..... | | 1964-65, c. 37. |
| Canada Labour (Standards) Code..... | | 1964-65, c. 38. |
| Canada Land Surveys..... | 26 | 1956, c. 22. |
| Canada Medical..... | 27 | |
| Canada-Netherlands Income Tax Agreement..... | | 1957, c. 16; 1960, c. 18; 1964-65, c. 37. |
| Canada-New Zealand I.T. Agreement..... | | 1947-48, c. 34; 1950, c. 50, s. 10. |
| Canada Pension Plan..... | | 1964-65, c. 51. |
| Canada-Poland Convention of Commerce..... | | 1935, c. 51. |
| Canada Prize, 1950..... | | 1950, c. 25. |
| Canada Prize..... | 28 | |
| Canada Shipping..... | 29 | 1952-53, c. 20; 1956, c. 34; 1957, c. 4; 1960, c. 40; 1960-61, c. 32; 1964-65, c. 39. |
| Canada-South Africa Death Duties Agree- ment..... | | 1957, c. 17. |
| Canada-South Africa Income Tax Agreement..... | | 1957, c. 18. |
| Canada Student Loans..... | | 1964-65, c. 24. |
| Canada-Sweden I.T. Agreement..... | | 1951 (1 Sess.), c. 42. |
| Canada Temperance..... | 30 | |
| Canada-U.K. I.T. Agreement..... | | 1946, c. 38; 1950, c. 50, s. 10. |
| Canada-U.K. Succession Duty..... | | 1946, c. 39; 1950, c. 50, s. 10. |
| Canada-U.S.A. Convention..... | | 1944-45, c. 31. |
| Canada-U.S.A. Estate Tax Convention, 1961..... | | 1960-61, c. 19. |
| Canada-U.S.A. Tax Convention..... | | 1943-44, c. 21; 1944-45, c. 31; 1950, c. 27; 1951 (2 Sess.), c. 5; 1956, c. 35. |
| Canada-U.S.A. Trade Agreement..... | | 1936, c. 3 repealed by 1939, c. 29. |
| Canada-Uruguay Trade Agreement..... | | 1937, c. 21. |
| Canada Water Conservation..... | | 1952-53, c. 21. |
| Canadian Bill of Rights..... | | 1960, c. 44. |
| Canadian and British Insurance Companies..... | 31 | 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40. |
| Canadian Broadcasting (<i>See</i> Broadcasting)..... | 32 | 1952-53, c. 22; 1953-54, c. 44, s. 1; Repealed 1958, c. 22, s. 41. |
| Canadian Citizenship..... | 33 | 1952-53, c. 23; 1953-54, c. 34; 1956, c. 6; 1958, c. 24. |
| Canadian Coal Equality..... | 34 | |
| Canadian Commercial Corporation..... | 35 | |
| Canadian Farm Loan..... | 36, 309 | 1956, c. 17; 1957, c. 5; 1958, c. 14; Repealed 1959, c. 43, s. 31. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|--|
| C | | |
| Canadian Fisherman's Loan..... | 37 | |
| Canadian Forces Act, 1950..... | | 1950-51, c. 2; 1953-54, c. 13. |
| Canadian Forces Act, 1951..... | | 1951 (2 Sess.), c. 7. |
| Canadian Forces Act, 1952..... | 310 | 1953-54, c. 13. |
| Canadian Forces Act, 1953..... | | 1952-53, c. 24; 1953-54, c. 13. |
| Canadian Forces Act, 1954..... | | 1953-54, c. 13. |
| Canadian Forces Act, 1955..... | | 1955, c. 28. |
| Canadian Forces Act, 1956..... | | 1956, c. 18. |
| Canadian Forces Superannuation..... | | 1959, c. 21. |
| Canadian Forces Voting Regulations (<i>See</i> Canada Election). | | |
| Canadian Maritime Commission..... | 38 | |
| Canadian National Canadian-Pacific..... | 39 | 1955, c. 29, s. 47. |
| Canadian National (Central Vermont) Fi- nancing Act..... | | 1930, c. 7. |
| Canadian National Montreal Terminus..... | | 1929, c. 12. |
| Canadian National Railways..... | 40 | Repealed and new 1955, c. 29; 1960-61, c. 28. |
| Canadian National Railways Capital Re- vision..... | 41, 311 | R.S., c. 41 repealed by R.S., c. 311, s. 20; 1955, c. 29, s. 47. |
| Canadian National Railways (Branch Lines) (Note: for more details <i>See</i> Table of Public Statutes in the Statutes of Canada, 1952-53)..... | | 1924, cc. 31, 32; 1925, cc. 5, 6, 7; 1926-27, cc. 12 to 26, 45; 1929, 18 to 36; 1932, c. 24; 1936, c. 26; 1946, cc. 19, 41; 1951 (1 Sess.), c. 44; 1952, c. 20. |
| Canadian National Railways (Branch Lines), Bartibog to Tomogonops River..... | | 1956, c. 19. |
| Optic Lake to Chisel Lake and purchase of line from Sipiwek to Burntwood River St-Felicien to Chibougamau, Chibou- gamau to Beattyville and Hillsport to Manitouwadge Lodge..... | | 1957-58, c. 13; 1962, c. 8. |
| Kiask Falls to Mattagami Lake..... | | 1953-54, c. 49. |
| Grimshaw to Great Slave Lake..... | | 1960-61, c. 7. |
| Whitcourt to the property of Pan Ameri- can Petroleum Corporation..... | | 1960-61, c. 56. |
| Matane and Ste Anne des Monts..... | | 1962, c. 9. |
| Nepisiguit Junction to the property of Brunswick M. & S. Corp. Ltd..... | | 1962, c. 13. |
| Canadian National Agreements..... | | 1962-63, c. 11. |
| (<i>See</i> Table of Public Statutes, 1952-53). | | 1928, c. 3; 1931, c. 7; 1940, c. 7. |
| Canadian National Railways Financing and Guarantee..... | | 1952-53, c. 25; 1953-54, c. 50; 1955, c. 29, s. 47; 1956, c. 23; 1957, c. 19; 1958, c. 17; 1959, c. 22; 1960, c. 25; 1960-61, c. 41; 1963, c. 31; 1964-65, c. 41. |
| Canadian National Railways Financing, Financing and Guarantee, and Guarantee (Note: for more detail <i>See</i> Table of Public Statutes in the Statutes of Canada, 1952-53)..... | | 1930, c. 7; 1931, cc. 22, 23; 1932, cc. 6, 15, 25, 26; 1932-33, c. 34; 1934, c. 28; 1935, c. 17; 1937, c. 6; 1938, c. 43; 1939, c. 38; 1940, c. 24; 1940-41, c. 12; 1942-43, c. 22; 1943-44, c. 22; 1944-45, c. 14; 1945 (2 Sess.), c. 14; 1946, c. 42; 1947, c. 29; 1947-48, c. 37; 1949 (2 Sess.), c. 9; 1950, c. 30; 1951 (1 Sess.), c. 45; 1951 (2 Sess.), c. 9; 1952, c. 37. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|--|
| C | | |
| C.N.R. Co., Ont. and Que. Ry. Co., C.P.R. Co. and Toronto Terminals Ry. Co..... | | 1939, c. 25. |
| Canadian National Railways Loan..... | | 1936, c. 27. |
| Canadian National Railways Pension (<i>See</i> G.T.R. Pensions)..... | | 1907, c. 89; 1929, c. 24. |
| C.N.R., Que. Ry., L. & P. Co., acquisition of..... | | 1951 (1 Sess.), c. 43. |
| Canadian National Railways Refunding..... | | 1927, c. 27; 1929, c. 11; 1930, c. 8; 1935, c. 3; 1938, c. 22; 1944-45, c. 9; 1947, c. 30; 1951 (1 Sess.), c. 46; 1955, c. 31. |
| Canadian National Steamships (West Indies Service)..... | | 1927, c. 29. |
| Canadian National Toronto Terminals Act..... | | 1960, c. 26. |
| Canadian Northern, etc. (Note: for more detail <i>See</i> Table of Public Statutes in the Statutes of Canada, 1952-53)..... | | 1908, c. 11; 1909, c. 5; 1910, c. 6; 1911, c. 6; 1912; cc. 7, 8, 9; 1913, c. 10; 1914, c. 20; 1915, c. 4, 1916, c. 29; 1917, c. 24; 1918, c. 11; 1928, c. 11; 1934, c. 4. |
| Canadian Overseas Telecommunication Cor- poration..... | 42 | 1952-53, c. 13; 1953-54, c. 44, s. 2; 1963, c. 24. |
| Canadian Pacific Railway (Note: for more detail <i>See</i> Table of Public Statutes in the Statutes of 1952-53)..... | | 1917, c. 8; 1928, c. 3; 1934, cc. 5, 10; 1939, c. 11. |
| Canadian Patriotic Fund..... | | 1939 (2 Sess.), c. 1. |
| Canadian Red Cross Society..... | | 1909, c. 68; 1916, c. 58; 1919 (Sess.), c. 101, 1922, c. 13; 1926, c. 5; 1931, c. 24; 1937, c. 7. |
| Canadian Vessel Construction Assistance..... | 43 | 1952-53, c. 14; 1957-58, c. 12. |
| Canadian Wheat Board..... | 44 | 1952-53, c. 26; 1957, c. 6; 1962, c. 21. |
| Canadian World Exhibition Corporation..... | | 1962-63, c. 12; 1963, c. 32. |
| Canteen Funds..... | | 1925, c. 34; 1928, c. 14. |
| Carriage by Air..... | 45 | 1963, c. 33. |
| Caughnawaga Indian Reserve..... | | 1934, c. 29; 1951, c. 29, s. 123. |
| Centennial of Canadian Confederation..... | | 1960-61, c. 60; 1963, c. 36. (Title changed from National Centennial) |
| Central Mortgage and Housing..... | 46 | |
| Cheese and Cheese Factory Improvement..... | 47 | |
| Children of War Dead (Education Assistance) Citizenship (<i>See</i> Canadian Citizenship)..... | | 1952-53, c. 27; 1953-54, c. 2; 1958, c. 25; 1962, c. 10. |
| Civil Servants Widows Annuities..... | | 1927, c. 74. |
| Civil Service..... | 48 | <i>See also</i> 1953-54 c. 65; s. 10, 1955, c. 35, s. 3. Repealed and new 1960-61, c. 57. |
| Civil Service Insurance..... | 49 | |
| Civil Service Superannuation (<i>See also</i> Public Service Superannuation)..... | 50, 310 | R.S., 1952, c. 310, s. 3; repealed 1952-53, c. 47, s. 38. |
| Civilian War Pensions and Allowances..... | 51, 312 | 1962, c. 11. |
| Coal Production Assistance..... | 173 | 1958, c. 36; 1959, c. 39; 1960-61, c. 20; 1962-63, c. 13; 1964-65, c. 42. |
| Coastal Fisheries Protection..... | | 1952-53, c. 15; 1960-61, c. 14. |
| Cold Storage..... | 52, 313 | |
| Collingwood Shipbuilding Co., Ltd. subsidy..... | | 1912, c. 17. |
| Combines Investigation..... | 314 | 1953-54, c. 51, s. 750; 1959, c. 40; 1960, c. 45; 1960- 61, c. 42; 1962-63, c. 4; 1964-65, c. 35. |
| Commercial Treaties (1895, c. 3)..... | | 1907, c. 49. |
| Companies (<i>See also</i> Corporations)..... | 53 | 1964-65, c. 52 |
| Compensation (<i>See</i> Government Employees)..... | | |
| Compensation (Defence)..... | | 1940, c. 28. |
| Companies Creditors Arrangement..... | 54 | 1952-53, c. 3. |
| Conciliation and Labour..... | | R.S., 1927, c. 110. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|---|
| C | | |
| Consolidated Revenue and Audit (<i>See</i> Financial Administration). | | |
| Consumer Credit (Temporary Provisions)..... | | 1950-51, c. 3; 1951 (1 Sess.), c. 14. |
| Contingencies (<i>See</i> Financial Administration)..... | | |
| Co-operative Credit Associations..... | | 1952-53, c. 28. |
| Co-operative Marketing (<i>See</i> Agricultural Products, etc.). | | |
| Copyright..... | 55 | |
| Corporations (formerly Companies)..... | 53 | 1964-65, c. 52. |
| Corporations and Labour Unions Returns..... | | 1962, c. 26; 1964-65, c. 43. |
| Corrupt Practices Inquiries..... | 56 | |
| Credit Unions (<i>See</i> Co-operative Credit). | | |
| Criminal Code..... | | 1953-54, cc. 51, 52 (52 included in c. 51); 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, cc. 35, 53. |
| Criminal Procedure in Alberta..... | | 1930, c. 12. |
| Crop Insurance..... | | 1959, c. 42; 1964-65, c. 28. |
| Crown Corporations (Provincial Taxes and Fees)..... | | 1964-65, c. 11. |
| Crown Liability..... | | 1952-53, c. 30. |
| Crows Nest Pass Agreement (1879, c. 5)..... | | 1922, c. 41; 1925, c. 52, s. 1. |
| Currency..... | 57, 316 | R.S., c. 57, repealed R.S., c. 315, s. 30. |
| Currency, Mint and Exchange Fund..... | 315 | 1957, c. 20; 1963, c. 34. |
| Customs..... | 58 | 1953-54, c. 3; 1955, c. 32; 1958, c. 26; 1962, c. 27 |
| Customs and Fisheries Protection (<i>See</i> Coastal Fisheries Protection Act). | 59 | Rep. 1952-53, c. 15, s. 10. |
| Customs Tariff..... | 60, 316 | 1952-53, c. 31; 1953-54, c. 53; 1955, c. 51; 1956, c. 36; 1957, c. 21; 1958, c. 27; 1959, c. 12; 1960, c. 27; 1960-61, c. 45; 1963, cc. 7, 18, 35; 1964-65, c. 7. |
| Customs Tariff and New Zealand Trade Agreement Act..... | | 1959, c. 12. |
| Czechoslovak Convention..... | | 1928, c. 18. |
| D | | |
| Dairy Industry (<i>See</i> Canada Dairy Products). | | |
| Dairy Products, Canada (<i>See</i> Canada Dairy Products). | | |
| Daylight Saving..... | | 1918, cc. 2, 18. |
| Debts due to the Crown (<i>See</i> Financial Administration). | | |
| Deep Sea Fisheries..... | 61 | |
| Defence Production..... | 62 | 1955, c. 52. |
| Defence Services Pension (Name changed to Defence Services Pension Continuation, 1959, c. 21, s. 31)..... | 63, 310 | R.S., 1952, c. 310; s. 4; 1952-53, c. 24, s. 6; 1953-54, c. 13, ss. 2-7, 19; 1955, c. 28, ss. 15-26; 1956, c. 18, ss. 2-4; 1959, c. 21, ss. 29-41. |
| Defence Services Pension Continuation..... | | 1959, c. 21, s. 31. |
| Defence Supplies..... | 64 | |
| Demise of the Crown..... | 65 | |
| Demobilization Appropriation..... | | 1919, c. 33; 1920, c. 45. |
| Denmark (<i>See</i> Canada-Denmark). | | |
| Department of Agriculture..... | 66 | |
| Department of Citizenship and Immigration | 67 | |
| Department of Defence Production (<i>See</i> Defence Production). | | |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|---|
| D | | |
| Department of External Affairs..... | 68 | |
| Department of Finance (<i>See</i> Financial Administration). | | |
| Department of Fisheries..... | 59 | |
| Department of Forestry..... | | 1960, c. 41. |
| Department of Industry..... | | 1963, c. 3. |
| Department of Insurance..... | 70 | |
| Department of Justice..... | 71 | 1960, c. 4. |
| Department of Labour..... | 72 | |
| Department of Mines and Technical Surveys | 73 | |
| Department of National Defence (<i>See</i> National Defence). | | |
| Department of National Health and Welfare | 74 | 1962-63, c. 16. |
| Department of National Revenue..... | 75 | |
| Department of Northern Affairs and National Resources..... | | 1953-54, c. 4. |
| Department of Resources and Development. | 76 | Repealed 1953-54, c. 4, s. 13 (<i>See</i> Department of Northern Affairs and National Resources). |
| Department of State..... | 77 | |
| Department of Trade and Commerce..... | 78 | |
| Department of Transport..... | 79 | 1953-54, c. 30; 1956, c. 7. |
| Department of Transport Stores (<i>See</i> Financial Administration). | | |
| Department of Veterans Affairs..... | 80 | |
| Deputy Speaker (<i>See</i> Speaker). | | |
| Destructive Insect and Pest..... | 81 | |
| Diamond Jubilee of Confederation..... | | 1927, c. 6. |
| Diplomatic Immunities (Commonwealth Countries)..... | | 1953-54, c. 54. |
| Diplomatic Service (Special) Superannuation | 82 | |
| Disabled Persons..... | | 1953-54, c. 55; 1957, c. 14, s. 11; 1957-58, c. 5; 1962, c. 3; 1963, c. 26. |
| Disfranchising..... | 83 | |
| Dissolution and Annulment of Marriages..... | | 1963, c. 10. |
| Divorce Appeals (<i>See</i> British Columbia). | | |
| Divorce Jurisdiction..... | 84 | |
| Divorce (Ontario)..... | 85 | |
| Domestic Fuel..... | | 1927, c. 52. |
| Dominion Agricultural Credit Company Limited..... | | 1931, c. 32. |
| Dominion Alberta Supplementary Taxation Agreement..... | | 1945, c. 17. |
| Dominion Bureau of Statistics (<i>See</i> Statistics) | | |
| Dominion Coal Board..... | 86 | |
| Dominion Companies (<i>See</i> Companies). | | |
| Dominion Controverted Elections..... | 87 | R.S., 1952, c. 334, s. 10. |
| Dominion Day..... | 88 | |
| Dominion Forest Reserve and Parks (<i>See</i> Canada Forestry). | | |
| Dominion Housing (<i>See</i> National Housing). | | |
| Dominion Lands (<i>See</i> Territorial Lands). | | |
| Dominion-Provincial Tax Rental Agreements (<i>See</i> Tax Rental Agreements)..... | | 1947, c. 58; 1949 (2 Sess.), c. 19. |
| Dominion Succession Duty (<i>See</i> Estate Tax) | 89, 317 | 1957, c. 22. Does not apply in the case of a person deceased at any time after the coming into force of chapter 29 of the statutes of 1958. |
| Dominion Water Power..... | 90 | |
| Dry Docks Subsidies..... | 91 | |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|--|
| E | | |
| Eastern Bank of Canada..... | | 1928, c. 78 (Private Act); 1932, c. 29 (Public Act.). |
| Eastern Rocky Mountains Forest Conserva- tion..... | | 1947, c. 59; 1952, c. 41; 1957, c. 23. |
| Economic Council of Canada..... | | 1963, c. 11. |
| Edmonton Yukon and Pacific Railway..... | | Repealed by 1910, c. 6, s. 2. |
| Elections (<i>See</i> Canada Elections, Election Material for By-Elections and North- west Territories Elections). | | |
| Election Material for By-elections and North- west Territories Elections..... | | 1953-54, c. 5. |
| Electoral Boundaries Readjustment..... | | 1964-65, c. 31. |
| Electrical and Photometric Units..... | 92 | |
| Electricity and Fluid Exportation..... | 93 | Repealed 1955, c. 14, s. 11. <i>See</i> Exportation of Power, etc. |
| Electricity Inspection..... | 94 | |
| Emergency Gold Mining Assistance..... | 95, 318 | 1952-53, c. 32; 1953-54, c. 26; 1955, c. 19; 1956, c. 20; 1958, c. 28; 1960, c. 28; 1963, c. 25. |
| Emergency Powers..... | 96 | 1952-53, c. 33. Expired May 31st 1954. |
| Escheats..... | 97 | |
| Established Programs (Interim Arrange- ments)..... | | 1964-65, c. 54. |
| Estate Tax (<i>See also</i> Dominion Succession Duty)..... | | 1958, c. 29; 1960, c. 29; 1962-63, c. 5; 1964-65, c. 8. |
| Esthonia Trade Agreement..... | | 1928, c. 52. |
| Evidence (<i>See</i> Canada Evidence). | | |
| Exchequer Court..... | 98 | 1952-53, c. 30; s. 25; 1957, c. 24; 1960-61, c. 38; 1964-65, c. 14. |
| Excise..... | 99, 319 | 1952-53, c. 34; 1953-54, c. 35; 1957, c. 25; 1959, c. 13; 1960-61, c. 46. |
| Exhibition (<i>See</i> Canadian World, etc.). | | |
| Excise Tax..... | 100, 320 | 1952-53, c. 35; 1953-54, c. 56; 1955, c. 53; 1956, c. 37; 1957, c. 26; 1957-58, c. 14; 1958, c. 30; 1959, c. 23; 1960, c. 30; 1960-61, c. 47; 1962-63, c. 6; 1963, c. 12. |
| Experimental Farm Stations..... | 101 | |
| Explosives..... | 102 | 1953-54, c. 14. |
| Export..... | 103 | |
| Export and Import Permits..... | 104, 321 | Repealed and new 1953-54, c. 27; 1957, c. 7; 1960, c. 12; 1963, c. 4. |
| Export Credits Insurance..... | 105 | 1953-54, c. 15; 1957, c. 8; 1957-58, c. 15; 1959, c. 24; 1960-61, c. 33; 1962, c. 14; 1962-63, c. 2; 1964-65, c. 18. |
| Exportation of Power and Fluids and Im- portation of Gas..... | | 1955, c. 14; repealed, 1959, c. 23, s. 2, (2) 1959, c. 46, s. 94; <i>See also</i> 1960, c. 9, s. 1. |
| Expropriation..... | 106 | |
| External Affairs (<i>See</i> Department of). | | |
| Extradition..... | 322 | 1953-54, c. 51, s. 751. |
| Extra-territorial..... | 107 | |
| F | | |
| Fair Wages and Hours of Labour..... | 108 | |
| Family Allowances..... | 109 | 1957, c. 14, s. 10. |
| Farm Credit..... | | 1959, c. 43; 1960-61, c. 36; 1962-63, c. 7; 1964-65, c. 12. |
| Farm Improvement Loans..... | 110 | 1952-53, c. 36; 1956, c. 24; 1959, c. 25; 1960-61, c. 22; 1962, c. 15; 1964-65, c. 27. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|--|
| F | | |
| Farm Loan (<i>See</i> Canadian Farm Loan). | | |
| Farm Machinery Syndicates Credit..... | | 1964-65, c. 29. |
| Farmers' Creditors Arrangement..... | 111 | |
| Federal District Commission (<i>See</i> National Capital)..... | 112 | Repealed 1953, c. 37, s. 28. |
| Federal-Provincial Programs (<i>See</i> Estab- lished Programs) | | |
| Federal Provincial Fiscal Arrangements..... | | 1960-61, c. 58; 1962-63, c. 14. |
| Federal-Provincial Fiscal Revision..... | | 1964-65, c. 26. |
| Federal-Provincial Tax-Sharing Arrangements..... | | 1956, c. 29; 1957-58, c. 29; 1959, c. 26; 1960, c. 13; 1962-63, c. 14. |
| Feeds..... | | 1960, c. 14. |
| Feeding Stuffs..... | 113 | Repealed 1960, c. 14, s. 13. |
| Female Employees Equal Pay | | 1956, c. 38. |
| Ferries..... | 114 | |
| Fertilizers..... | 115 | Repealed and new, 1957, c. 27. |
| Financial Administration (Note: Schedules C & D amended by O/C <i>Can. Gaz.</i> Vol. 87, No. 19, pp. 886-7)..... | 116 | <i>See also</i> 1953-54, c. 28; 1955, c. 3; 1958, c. 31; 1960, c. 41, s. 16; 1960-61, c. 48; 1963, c. 41, s. 2. |
| Finland (<i>See</i> Canada-Finland) | | |
| Finland Trade Agreement..... | | 1925, c. 11. |
| Fire Fighters War Service Benefits..... | 117 | |
| Fire Losses Replacement Account..... | | 1953-54, c. 28; 1960-61, c. 15. |
| Fish (<i>See</i> Meat and Canned Foods). | | |
| Fish Inspection..... | 118 | |
| Fisheries..... | 119 | 1960-61, c. 23. |
| Fisheries Improvement Loans..... | | 1955, c. 46; 1959, c. 4; 1962, c. 16. |
| Fisheries Prices Support..... | 120 | |
| Fisheries Research Board..... | 121 | 1952-53, c. 37. |
| Fisherman's Loan (<i>See</i> Canadian Fisher- man's Loan). | | |
| Fitness and Amateur Sport..... | | 1960-61, c. 59. |
| Flax Fibres (<i>See</i> Inspection and Sale). | | |
| Food and Agriculture Organization of the United Nations..... | 122 | |
| Food and Drugs (Note: Schedules D & F amended by O/C <i>Can. Gaz.</i> Vol. 88, No. 13, p. 734). | 123 | Rep. & new, 1952-53, c. 38; 1960-61, c. 37; 1962-63, c. 15. |
| Foot and Mouth Disease, Control and Extirpation of..... | | 1952, c. 1. |
| Forces (<i>See</i> Canadian Forces). | | |
| Foreign Aircraft Third Party Damage..... | | 1955, c. 15. |
| Foreign Enlistment..... | 124 | |
| Foreign Exchange Control..... | | 1946, c. 53, repealed R.S., 1952, c. 315, s. 30. |
| Foreign Insurance Companies..... | 125 | 1956, c. 30; 1960-61, c. 16; 1964-65, c. 40. |
| Forestry (<i>See</i> Canada Forestry). | | |
| France (<i>See</i> Canada-France, etc.). | | |
| France, Trade Agreement with..... | | 1921, c. 8; 1923, c. 14, s. 6; 1932-33, c. 31; 1935, c. 2. |
| Freight Rates Reduction..... | | 1959, c. 27; 1960, c. 42; 1960-61, c. 29. |
| French Convention..... | | 1908, c. 28; 1910, cc. 21, 22; 1919 (2 Sess.), c. 15; 1921, c. 8; 1923, c. 14; 1932-33, c. 30. |
| Fruit, Vegetables and Honey..... | 126 | |
| Fugitive Offenders..... | 127 | |
| G | | |
| Game Export..... | 128 | |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|--|
| G | | |
| Gas Inspection..... | 129 | |
| Geneva Convention..... | | 1964-65, c. 44. |
| Germany (<i>See</i> Canada-Germany). | | |
| Germany, Treaty of Peace (<i>See</i> Treaties of Peace). | | |
| Gold and Silver Marking (<i>See</i> Precious Metals Marking). | | |
| Gold Clauses..... | 130 | |
| Gold Export..... | 131 | |
| Gold Mining (<i>See</i> Emergency Gold Mining Assistance). | | |
| Government Annuities..... | 132 | |
| Government Companies Operation (<i>See also</i> Financial Administration)..... | 133 | 1953-54, c. 44, ss. 3, 4. |
| Government Employees Compensation..... | 134, 543 | 1955, c. 33. |
| Government Harbours and Piers..... | 135 | |
| Government House Property at Toronto..... | | 1912, c. 25. |
| Government Property Traffic..... | 324 | 1960-61, c. 34. |
| Government Railways..... | 136 | |
| Government Vessels Discipline..... | 137 | |
| Government Work Tolls..... | 138 | |
| Governor General's..... | 139 | |
| Grain (<i>See</i> Canada Grain). | | |
| Grain Futures..... | 140 | |
| Grand Trunk Pacific (1903, c. 71) (Note: for more detail <i>see</i> Table of Public Statutes in the Statutes of Canada, 1952-53)..... | | 1908, c. 32; 1909, c. 19; 1912, c. 95; 1913, cc. 22, 23, 24; 1914, cc. 2, 34; 1915, c. 4; 1916, c. 29; 1927, c. 7. |
| Grand Trunk Pacific (taken over by Government)..... | | 1919, c. 22; 1919 (2 Sess.), c. 16. |
| Grand Trunk Railway, acquired by Government..... | | 1919 (2 Sess.), c. 17; 1920, c. 13. |
| Grand Trunk Railway (Pensions) (<i>See</i> Canadian National Railways Pensions)..... | | 1907, c. 89; 1929, c. 4. |
| Grand Trunk Railway (Sale Major's Hill Park)..... | | 1908, c. 44. |
| Grand Trunk Railway (<i>See</i> Toronto Viaduct, and Intercolonial Railway Extension to Montreal). | | |
| Grand Trunk Arbitration..... | | 1921, c. 9. |
| Great Lakes Fisheries Convention..... | | 1955, c. 34. |
| Guatemala, Trade Agreement..... | | 1938, c. 19. |
| H | | |
| Halibut (<i>See</i> Northern Pacific). | | |
| Halifax Relief Commission..... | | 1918, c. 24. |
| Halifax Signal Dues (1859, c. 61)..... | | 1908, c. 66, Repealed 1960-61, c. 8. |
| Halifax Signal Station (enactments repealed)..... | | 1960-61, c. 8. |
| Hamilton Harbour Commissioners..... | | 1951, c. 17; 1957-58, c. 16. |
| Harbour Commissions..... | | 1964-65, c. 32. |
| Harbours (<i>See</i> National Harbours). | | |
| Hayti (<i>See</i> Canada-Hayti). | | |
| Hay and Straw Inspection..... | 141 | |
| Health (<i>See</i> Dept. of National Health)..... | | 1923, c. 50. |
| Hemp, Bounty on..... | | |
| High Commissioner in the United Kingdom..... | 142 | |
| Highways..... | | 1919, c. 54; 1925, c. 4. |
| Historic Sites and Monuments..... | | 1952-53, c. 39; 1955, c. 20. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|--|
| H | | |
| Home Bank Creditors' Relief Act, 1925..... | | 1925, c. 45; Repealed 1953-54, c. 48, s. 160. |
| Home Improvement Loans..... | | 1937, c. 11; 1950, c. 50, s. 10. |
| Hospital Insurance and Diagnostic Services..... | | 1957, c. 28; 1958, c. 6. |
| Hours of Work (<i>See</i> Limitation of). | | |
| House of Commons..... | 143 | |
| Housing (<i>See</i> National Housing). | | |
| Hudson Bay Mining and Smelting Co..... | | 1947, c. 62. |
| Humane Slaughter of Food Animals..... | | 1959, c. 44. |
| Hungary, Trade Agreement with..... | | 1928, c. 52. |
| Hungary, Treaty of Peace..... | | 1922, c. 49. |
| Hutchinson, Lois B. (bounty warrant)..... | | 1913, c. 30. |
| I | | |
| Identification of Criminals..... | 144 | |
| Immigration..... | 145, 325 | R.S., c. 145 repealed by R.S., c. 325, s. 73. |
| Immigration Aid Societies..... | 146 | |
| Importation of Intoxicating Liquors..... | 147 | |
| Income Tax..... | 148 | 1952-53, c. 40; 1953-54, c. 57; 1955, cc. 54, 55, s. 1; 1956, c. 39; 1957, c. 29; 1957-58, c. 17; 1958, c. 32; 1959, c. 45; 1960, c. 43; 1960-61 cc. 17, 49; 1962- 63, c. 8; 1963, c. 21 and c. 41, s. 3; 1964-65, c. 13. |
| Income War Tax (<i>Note: See</i> Table of Public Statutes in the Statutes of Canada, 1952-53). | | |
| Indian..... | 149 | 1952-53, c. 41; 1956, c. 40; 1958, c. 19; 1960, c. 8; 1960-61, c. 9. |
| Indian Lands, Settlement of Differences..... | | 1920, c. 51; 1924, c. 48. |
| Indian (Soldier Settlement) (<i>Note: See</i> Table of Public Statutes of Canada, 1952-53). | | |
| Industrial Design and Union Label..... | 150 | Part III repealed 1952-53, c. 49, s. 68. |
| Industrial Development Bank..... | 151, 326 | 1956, c. 25; 1960-61, c. 50. |
| Industrial Relations and Disputes Investi- gation..... | 152 | |
| Industry (<i>See</i> Department of). | | |
| Inland Water Freight Rates..... | 153 | |
| Inquiries..... | 154 | |
| Inspection and Sale..... | 155 | |
| Insurance (<i>See</i> Department of, <i>also</i> Canadian and British Insurance Companies, <i>also</i> Foreign Insurance Companies). | | |
| Insurance Companies, Investment of (<i>See</i> Life Insurance). | | |
| Insurance for Returned Soldiers (<i>See</i> Re- turned Soldiers' Insurance). | | |
| Intercolonial and Prince Edward Island Rail- ways Employees' Provident Fund..... | | 1907, c. 22; 1908, c. 37; 1913, c. 26; 1918, c. 15; 1919, c. 14; 1925, c. 37; 1927, c. 49; 1929, c. 5. |
| Intercolonial Railway Extension to Montreal (1899, c. 5)..... | | 1907, c. 18. |
| Interest..... | 156 | |
| International Boundary Commission..... | | 1960, c. 31. |
| International Boundary Waters Treaty..... | | 1911, c. 28; 1914, c. 5; 1952, c. 43; 1963, c. 41, s. 4. |
| International Development Association..... | | 1960, c. 32. |
| International Rapids Power Development... .. | 157 | 1953-54, c. 36. |
| International River Improvements..... | | 1955, c. 47. |
| Interpretation..... | 158, 327 | 1952-53, c. 9, s. 2; 1953-54, c. 51, s. 747. |
| Intoxicating Liquors, Importation of (<i>See</i> Importation of Intoxicating Liquor). | | |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|--|
| I | | |
| Ireland (<i>See</i> Canada-Ireland). | | |
| Irish Free State Trade Agreement..... | | 1932-33, c. 4. |
| Italian Convention..... | | 1923, c. 17. |
| J | | |
| Japan, Treaty of Peace..... | | 1952, c. 50. |
| Johnson, Mrs. Alice, pension to..... | | 1914, c. 11. |
| Judges..... | 159 | 1952-53, c. 4; 1953-54, c. 58; 1955, c. 48; 1956, c. 8; 1957, c. 30; 1958, c. 33; 1959, c. 28; 1960, cc. 46, 47; 1960-61, c. 38; 1962, c. 22; 1963, c. 8; 1964-65, cc. 14, 36. |
| Justice (<i>See</i> Department of). | | |
| Juvenile Delinquents..... | 160 | |
| K | | |
| Kingsmere Park..... | 161 | |
| L | | |
| Labour (<i>See</i> Department of). | | |
| Labour Code (<i>See</i> Canada Labour) | | |
| Lac Seul Conservation..... | | 1928, c. 32. |
| Lakehead Harbour Commissioners..... | | 1958, c. 34; <i>See</i> 1964-65, c. 32. |
| Lake of the Woods Control Board..... | | 1921, c. 10; 1958, c. 20. |
| Land Surveys (<i>See</i> Canada Lands Surveys). | | |
| Land Titles..... | 162 | 1952-53, c. 53, s. 54. <i>See also</i> R.S. c 331, s 47. |
| Land Titles Act, 1894 (Assurance Fund)..... | | 1908, c. 42. |
| LaSalle-Caughnawaga Bridge..... | | 1960, c. 33. |
| Latvia, Trade Agreement with..... | | 1928, c. 52. |
| Laurier House..... | 163 | |
| Length and Mass Units..... | 164 | 1959, c. 29. |
| Leprosy..... | 165 | |
| Library (<i>See</i> National Library). | | |
| Library of Parliament..... | 166 | 1955, c. 35. |
| Life Insurance Companies, Investment of..... | | 1916, c. 18. |
| Limitation of Hours of Work..... | | 1935, c. 63 (<i>Ultra vires</i> , 1937, A.C. 326). |
| Lithuania, Trade Agreement with..... | | 1928, c. 52. |
| Live Stock and Live Stock Products..... | 167 | 1956, c. 14. |
| Live Stock Pedigree..... | 168 | |
| Live Stock Shipping..... | 169 | |
| Loan..... | | 1909, c. 23; 1916, c. 3; 1917, c. 3; 1919, c. 67; 1922, c. 30; 1924, c. 56; 1925, c. 16; 1926, c. 11; 1928, c. 34; 1931, c. 38; 1932-33, c. 43; 1935, c. 43; 1936, c. 41; 1939, c. 48; 1940, c. 11; 1942-43, c. 20; 1944-45, c. 4. |
| Loan Companies..... | 170 | 1952-53, c. 5; 1958, c. 35; 1960-61, c. 51; 1964-65, c. 40. |
| Loans, Small (<i>See</i> Small Loans). | | |
| Lord's Day..... | 171 | |
| Lotbiniere and Megantic Railway..... | | 1916, c. 22. |
| M | | |
| Mail Contracts Supplemented Payments..... | | 1947, c. 8; 1947-48, c. 59; 1949 (1 Sess.), c. 13. |
| Major's Hill Park, sale of part to Grand Trunk Railway..... | | 1908, c. 4. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|--|
| M | | |
| Manitoba Boundaries..... | | 1912, c. 32; 1930, c. 28; 1950, c. 16; <i>See also</i> 1953-54, c. 9. |
| Manitoba Natural Resources Transfer (<i>See also</i> Natural Resources)..... | | 1930, c. 29; 1938, c. 36; 1947-48, c. 60; 1951 (1 Sess.), c. 53. |
| Manitoba Supplementary Provisions..... | | R.S., 1927, c. 124. |
| Maple Products Industry..... | 172 | |
| Marine and Aviation War Risks..... | 328 | |
| Maritime Coal Production Assistance (<i>See</i> Coal Production Assistance, Title changed 1959, c. 39, s. 2)..... | 173 | 1958, c. 36; 1959, c. 39. |
| Maritime Commission (<i>See</i> Canadian Maritime Com.)..... | | |
| Maritime Freight Rates..... | 174 | |
| Maritime Marshland Rehabilitation..... | 175 | |
| Maritime Provinces Additional Subsidies..... | | 1942-43, c. 14. |
| Maritime Transportation Unions Trustees..... | | 1963, c. 17. |
| Marriage and Divorce..... | 176 | |
| Meaford Harbour (1866, c. 78)..... | | 1908, c. 46. |
| Meat and Canned Foods..... | 177 | |
| Meat Inspection..... | | 1955, c. 36. |
| Medical, Canada (<i>See</i> Canada Medical). | | |
| Members of Parliament Retiring Allowances..... | 329 | 1953-54, c. 16; 1955, c. 12; 1963, c. 14. |
| Merchant Seamen Compensation..... | 178 | 1952-53, c. 16; 1957, c. 9; 1964-65, c. 45. |
| Migratory Birds Convention..... | 179 | |
| Militia North West Rebellion, Grants of Land (1906, c. 30)..... | | 1913, c. 30. |
| Militia Pension (<i>See</i> Defence Services Pension). | | |
| Milk Test..... | 180 | |
| Mines and Resources, Dept. of (<i>See</i> Dept. of Citizenship and Immigration and Dept. of Mines and Technical Surveys). | | |
| Minimum Wages..... | | 1935, c. 44 (<i>Ultra vires</i> , 1937, A.C. 326). |
| Mint (<i>See</i> Currency, Mint and Exchange Fund). | | |
| Money-Lenders..... | 181 | Repealed 1956, c. 46, s. 8. |
| Montreal Harbour Commissioners (1894, c. 48) (<i>See</i> Table of Public Statutes in the Statutes of Canada 1952-53). | | |
| Montreal Harbour Commission (<i>See</i> Table of Public Statutes in the Statutes of Canada, 1952-53). | | |
| Montreal (sale ordnance lands)..... | | 1908, c. 51. |
| Montreal Terminals..... | | 1929, c. 12. |
| Motor Vehicle Transport..... | | 1953-54, c. 59. |
| Mount-Royal Tunnel and Terminals Co., Ltd..... | | 1916, c. 20. |
| Municipal Grants..... | 182 | 1955, c. 49; 1957, c. 10. |
| Municipal Development and Loan..... | | 1963, c. 13. |
| Municipal Improvements Assistance..... | 183 | |
| N | | |
| Nanaimo Harbour Commissioners..... | | 1960, c. 19; <i>See</i> 1964-65, c. 32. |
| Narcotic (<i>See</i> Opium and Narcotic Drug). | | |
| Narcotic Control..... | | 1960-61, c. 35. |
| National Battlefields at Quebec..... | | 1908, cc. 57, 58; 1910, c. 41; 1911, c. 5; 1914, c. 46; 1925, c. 47; 1928, c. 36; 1938, c. 23; 1947-48, c. 62; 1953-54, c. 17. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|---|
| N | | |
| National Capital..... | | 1958, c. 37. |
| National Centennial..... | | 1960-61, c. 60; name changed to Centennial of Canadian Confederation, 1963, c. 36, s. 1. |
| National Defence..... | 184 | R.S., c. 310, s. 2; 1952-53, c. 6 and c. 24, s. 5; 1953-54, c. 13, ss. 8-16, c. 21, s. 3, and c. 40, s. 13; 1955, c. 28, ss. 2-14; 1956, c. 18, ss. 5-13; 1959, c. 5; 1964-65, c. 21. |
| National Design Council..... | | 1960-61, c. 24. |
| National Employment Commission..... | | 1936, c. 7; 1950, c. 50, s. 10. |
| National Energy Board..... | | 1959, c. 46; 1960, c. 9; 1960-61, c. 52; 1963, c. 41, s. 5. |
| National Film..... | 185 | |
| National Gallery..... | 196 | |
| National Harbours Board..... | 187 | 1953-54, c. 60; 1955, c. 4; 1963, c. 37. |
| National Health (<i>See</i> Department of). | | |
| National Housing..... | 188 | 1952-53, c. 42; 1953-54, c. 23 (new Act); 1956, c. 9; 1957-58, c. 18; 1958 c. 3; 1959, c. 6; 1960, c. 10, 1960-61, cc. 1, 61; 1962-63, c. 17; 1964-65, c. 15. |
| National Library..... | 330 | |
| National Parks..... | 189 | 1953-54, c. 6; 1955, c. 37; 1956, c. 31; 1958, c. 8. |
| National Physical Fitness (<i>See</i> Fitness and Amateur Sport)..... | 190 | Repealed 1953-54, c. 61. |
| National Productivity Council..... | | 1960-61, c. 4; Repealed 1963, c. 11, s. 22. |
| National Railways, Auditors for..... | | 1952, c. 5; 1952-53, c. 1; 1953-54, c. 1; 1955, c. 30, s. 11; 1963, c. 23. |
| National Revenue, Department of (<i>See</i> Department of National Revenue). | | |
| National Trade Mark and True Labelling... | 191 | |
| National Transcontinental Railway (1903, c. 71.)..... | | 1907, c. 48; 1909, c. 26; 1912, cc. 37, 38, 39; 1913, c. 34; 1914, cc. 3, 43; 1915, c. 18. |
| National Wild Life Week..... | 192 | |
| Naturalization (<i>See</i> Canadian Citizenship). | | |
| Natural Products Marketing..... | | 1934, c. 57; 1935, c. 64 (<i>Ultra vires</i> , 1937, A.C. 326). |
| Natural Resources (<i>See</i> Alberta, or Manitoba, or Saskatchewan Natural Resources)..... | | 1938, c. 36. |
| Natural Resources Transfer..... | | 1940-41, c. 22. |
| Natural Resources Transfer (School Lands) Amendment, 1961..... | | 1960-61, c. 62. |
| Navigable Waters Protection..... | 193 | 1953-54, c. 37; 1956, c. 41. |
| Netherlands (<i>See</i> Canada-Netherlands) | | |
| Netherlands Trade Convention..... | | 1925, c. 19. |
| New Brunswick Indian Reserves Agreement..... | | 1959, c. 47. |
| Newfoundland Additional Grants..... | | 1959, c. 48. |
| Newfoundland Fisheries Laws—Exportation of Salt Fish, Acts repealed..... | | 1959, c. 49. |
| Newfoundland Fisheries Laws—repealed..... | | 1960, c. 15. |
| Newfoundland National Park..... | | 1955, c. 37, s. 3. |
| Newfoundland, Acts respecting Harbours and Pilotage repealed..... | | 1964-65, c. 33. |
| Newfoundland Savings Bank..... | | 1963, c. 38. |
| Newfoundland Statute Law Amendment..... | | 1949, c. 6. |
| Newfoundland, Terms of Union with Canada, An Act to approve..... | | 1949 (1 Sess.), c. 1. |
| New Westminster Harbour Commissioners..... | | 1913, c. 158; 1931, c. 40; 1938, c. 37; 1952, c. 10; 1955, c. 38; <i>See</i> 1964-65, c. 32. |
| New Westminster Harbour Commissioners Refunding..... | | 1947-48, c. 10. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|--|
| N | | |
| New Zealand Tax Agreement (<i>See Canada New Zealand, etc.</i>) | | |
| New Zealand Trade Agreement..... | | 1932, c. 34; 1932-33, c. 44; 1959, c. 12. |
| Northern Affairs (<i>See Department of</i>) | | |
| Northern Alberta Railways..... | | 1929, c. 48; 1931, c. 10. |
| Northern Canada Power Commission..... | 196 | 1956, c. 42. |
| Northern Ontario Pipe Line Crown Corporation..... | | 1956, c. 10. |
| Northern Pacific Halibut Fishery (Convention)..... | 194 | Rep. and new 1952-53, c. 43. |
| North Fraser Harbour Commissioners..... | | 1913, c. 162; 1931, c. 41; 1947-48, c. 19; 1951 (2 Sess.), c. 17; <i>See</i> 1964-65, c. 32. |
| North Pacific Fisheries Convention..... | | 1952-53, c. 44. |
| North Sydney Harbour..... | | 1914, c. 16. |
| Northwest Atlantic Fisheries Convention... | | 1953-54, c. 18. |
| Northwest Rebellion Land Grants (1906, c. 30)..... | | 1913, c. 3. |
| Northwest Territories..... | 195, 331 | R.S., c. 195, Rep. and new R.S., c. 331; 1953-54, c. 8; 1955, c. 21 and c. 43, ss. 9, 11; 1957-58, c. 30; 1959, c. 7; 1960, c. 20 and 1960, c. 46, s. 6. |
| Northwest Territories Power Commission.. | 196 | 1956, c. 42. |
| Nova Scotia Indian Reserves Agreement... | | 1959, c. 50. |
| O | | |
| Oaths of Allegiance..... | 197 | |
| Ocean Steamship Subsidies (1889)..... | | 1903, c. 44; 1908, c. 68; 1909, c. 36; 1911, c. 25. |
| Official Secrets..... | 198 | |
| Old Age Assistance..... | 199 | 1957, c. 14, s. 11; 1957-58, c. 6; 1962, c. 4; 1963, c. 26. |
| Old Age Pensions (<i>See Old Age Security</i>) | | |
| Old Age Security..... | 200 | 1957-58, c. 3; 1959, c. 14; 1960, c. 34; 1962, c. 5; 1963, c. 16. |
| Ontario Boundaries..... | | 1912, c. 40; 1950, c. 16. |
| Ontario Harbours Agreement..... | | 1963, c. 39. |
| Ontario-Manitoba Boundary..... | | 1953-54, c. 9. |
| Ontario Superior Courts..... | | 1913, c. 50, consolidated. |
| Opium and Narcotic Drug (<i>See Narcotic Control</i>)..... | 201 | R.S., c. 325, s. 73; 1953-54, c. 38 and c. 51, s. 748; Repealed 1960-61, c. 35, s. 20. |
| Ordnance and Admiralty Lands (<i>See Public Lands Grants</i>) | | |
| Ordnance Lands (<i>See Toronto, Montreal and Winnipeg</i>) | | |
| Oshawa Harbour Commissioners..... | | 1960, c. 21; <i>See</i> 1964-65, c. 32. |
| P | | |
| Pacific Cable..... | | 1899, c. 3; 1901, c. 5; 1929, c. 50. |
| Pacific Fur Seals Convention..... | | 1957, c. 31. |
| Pacific Great Eastern Railway Aid..... | | 1949 (2 Sess.), c. 32. |
| Pacific Salmon Fisheries Convention..... | | 1957, c. 11. |
| Parcel Post..... | | 1913, c. 35. |
| Parks (<i>See National Parks</i>) (<i>See Waterton Glacier</i>) | | |
| Parliamentary Secretaries Act..... | | 1959, c. 15. |
| Parole..... | | 1958, c. 38. |
| Passenger Tickets..... | 202 | |
| Patent..... | 203 | 1953-54, cc. 19, 40, s. 15. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|---|
| P | | |
| Patriotic Fund (<i>See</i> Canadian Patriotic Fund). | | |
| Pawnbrokers..... | 204 | |
| Peace (<i>See</i> Treaties of Peace). | | |
| Pelagic Sealing (Provisional Agreement)..... | 205 | Repealed 1957, c. 21, s. 14. <i>See</i> Pacific Fur Seals Convention. |
| Penitentiary..... | 206 | 1952-53, c. 53, s. 54; 1958, c. 39; Repealed and new 1960-61, c. 53; 1964-65, c. 46. |
| Pension..... | 207, 332 | 1953-54, c. 62; <i>See also</i> 1953-54, c. 65, s. 5; 1957, c. 14; 1957-58, c. 19; 1960-61, c. 10. |
| Pension Fund Societies..... | 208 | |
| Pension Plan (<i>See</i> Canada Pension Plan) | | |
| Permanent Court of International Justice..... | | 1921, c. 46. |
| Pest Control Products..... | 209 | |
| Petition of Right..... | 210 | |
| Physical Fitness (<i>See</i> National Physical Fitness). | | |
| Pictou, Harbour of..... | | 1920, c. 63. |
| Pigeon River Bridge..... | | 1959, c. 51. |
| Pipe Line (<i>See</i> Northern Ontario Pipe Line Crown Corporation). | | |
| Pipe Lines..... | 211 | 1953-54, cc. 7, 63; Repealed, 1959, c. 46, s. 94. |
| Poland Convention of Commerce..... | | 1935, c. 51. |
| Port Alberni Harbour Commissioners..... | | 1947, c. 42; <i>See</i> 1964-65, c. 32. |
| Portugal, Trade Agreement with..... | | 1928, c. 52. |
| Postal Railway and Mail Service Employees..... | | 1929, c. 52. |
| Post Office (<i>See also</i> Mail Contracts)..... | 212 | 1952-53, c. 45; 1953-54, cc. 20, 39; 1956, c. 43. |
| Prairie Farm Assistance..... | 213 | 1952-53, c. 46; 1955, c. 56; 1957, c. 32; 1958, c. 15; <i>See</i> 1960, c. 2, s. 20. |
| Prairie Farm Rehabilitation..... | 214 | 1955, c. 39. |
| Prairie Grain Advance Payment..... | | 1957-58, c. 2; 1958, c. 16. |
| Prairie Grain Loans..... | | 1960, c. 1. |
| Prairie Grain Producers' Interim Financing..... | | 1951 (2 Sess.), c. 20; 1956, c. 1; 1957, c. 33. |
| Prairie Grain Provisional Payments..... | | 1960, c. 2. |
| Precious Metals Marking..... | 215 | 1955, c. 22. |
| Prime Minister's Residence..... | 216 | 1959, c. 30. |
| Prince Edward Island Railway Extensions..... | | 1908, c. 54. |
| Prince Edward Island Subsidy..... | | 1912, c. 42; 1927, c. 76, item 526. |
| Prisons and Reformatories..... | 217, 333 | 1952-53, c. 7; 1955, c. 40; 1957, c. 34; 1959, c. 31. |
| Privileges and Immunities (North Atlantic Treaty Organization)..... | 218 | |
| Privileges and Immunities (United Nations)..... | 219 | 1964-65, c. 47. |
| Prize (<i>See</i> Canada Prize). | | |
| Proprietary or Patent Medicine (<i>Note</i> Schedule amended by O/C— <i>Can. Gaz.</i> Vol. 87, No. 19, p. 885)..... | 220 | |
| Provincial Subsidies..... | 221 | |
| Public Archives..... | 222 | |
| Public Documents..... | 223 | |
| Public Lands Grants..... | 224 | 1959, c. 52. |
| Public Officers..... | 225 | |
| Public Printing and Stationery..... | 226 | |
| Public Servants Inventions..... | | 1953-54, c. 40; 1959, c. 8. |
| Public Service Rearrangement and Transfer of Duties..... | 227 | |
| Public Service Pension Adjustment..... | | 1959, c. 32. |
| Public Service, Retirement of certain members of..... | | 1920, c. 67; 1921, c. 49; 1922, c. 39; 1923, c. 65. |
| Public Service Superannuation..... | | 1952-53, c. 47; 1953-54, c. 64; <i>See also</i> 1953-54, c. 65, s. 11; 1955, c. 16; 1956, c. 44; 1960, c. 38. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|--|
| P | | |
| Public Works..... | 228 | 1934, c. 59; 1935, c. 34. |
| Public Works Construction..... | | |
| Public Works Health..... | 229 | |
| Publication of Statutes..... | 230 | |
| Q | | |
| Quarantine..... | 231 | |
| Quebec and Saguenay Railway..... | | 1916, c. 22. |
| Quebec Boundaries..... | | 1912, c. 45; 1946, c. 29. |
| Quebec Bridge and Railway..... | | 1907, c. 35; 1908, c. 59. |
| Quebec Harbour Commissioners, loans to (See Table of Public Statutes in the Statutes of 1952-53). | | |
| Quebec Montmorency and Charlevoix Rail- way..... | | 1916, c. 22. |
| Quebec National Battlefields (See National Battlefields). | | |
| Quebec Savings Banks..... | 232 | Repealed and new 1953-54, c. 41; 1957, c. 12; 1963, c. 27; 1964-65, c. 10. |
| Queen Elizabeth II Canadian Research Fund..... | | 1959, c. 33. |
| Queenston Bridge..... | | 1959, c. 53. |
| R | | |
| Radio..... | 233 | 1952-53, c. 48; 1953-54, c. 31; 1955, c. 57. |
| Radio Broadcasting (See Canadian Broad- casting). | | |
| Railway..... | 234 | 1955, cc. 41, 55, s. 2; 1958, c. 40; 1960, c. 35; 1960-61, c. 54; 1963, c. 28 and c. 41, s. 6. |
| Railway Belt..... | | R.S. 1927, c. 116. |
| Railway Belt and Peace River Block..... | | 1930, c. 37. |
| Railway Belt Water..... | | R.S. 1927, c. 211; 1928, cc. 6, 44. |
| Railway and Canals (See Department of Transport). | | |
| Railway Operation Continuation..... | | 1960-61, c. 2. |
| Railway Subsidies..... | | 1907, c. 40; 1908, cc. 63 (25), (32), 1909, c. 35; 1910, cc. 51 (6); 1912, cc. 48 (7), (8), (9); 1913 cc. 46 (10), (23), (24), (53). |
| Rainy Lake Watershed Emergency Control..... | | 1939, c. 33. |
| Rearrangement and Transfer of Duties (See Public Service Rearrangement and Transfer of Duties.) | | |
| Rebellion (See North West Rebellion). | | |
| Re-election of Members (See Senate and House of Commons). | | |
| Refunds (Natural Resources)..... | | 1932, c. 35. |
| Regulations..... | 235 | |
| Regulations and Orders in Council..... | | 1928, c. 44; 1932, c. 12. |
| Reinstatement in Civil Employment..... | 236 | See also 1953-54, c. 65, s. 8. |
| Relief (See also Unemployment and Farm Relief, also Unemployment Relief, also Unemployment Relief and Assistance)..... | | 1932, c. 36; 1932-33, c. 18; 1934, c. 15; 1935, c. 13; 1936, cc. 15, 46. |
| Remembrance Day..... | 237 | |
| Reparation Payment..... | | 1929, c. 55. |
| Representation..... | 238, 334 | R.S., c. 238 spent; 1952-53, c. 8; 1953-54, c. 32; 1955, c. 5; 1959, c. 16; 1960-61, c. 25; 1962, cc. 17, 28. |
| Representation Commissioner..... | | 1963, c. 40. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|--|------------------------|--|
| R | | |
| Research Council..... | 239 | 1953-54, c. 40, s. 15, c. 42. |
| Resources and Development, Dept. of (<i>See</i> Dept. of Northern Affairs and National Resources). | | |
| Returned Soldiers' Insurance..... | | 1920, c. 54; 1921, c. 52; 1922, c. 42; 1923, c. 67 (repealed 1951, c. 59, s. 15); 1928, c. 45; 1929, c. 56; 1930, c. 38; 1951, c. 59; 1958, c. 41. |
| Revised Statutes of Canada..... | | 1964-65, c. 48. |
| Roosevelt Campobello International Park Commission..... | | 1964-65, c. 19. |
| Roumania, Trade Agreement with..... | | 1928, c. 52. |
| Royal Agricultural Winter Fair..... | | 1927, c. 9. |
| Royal Canadian Mint..... | 240, 516 | R.S., c. 240 repealed by R.S., c. 315, s. 30. |
| Royal Canadian Mounted Police..... | | 1959, c. 54. |
| Royal Canadian Mounted Police (Title changed to R.C.M.P. Pension Continua- tion, 1959, c. 34, s. 31) | 241 | 1953-54, c. 43; 1956, c. 45; 1957, c. 35; 1959, c. 34, ss. 29 to 43. |
| Royal Canadian Mounted Police Pension Continuation..... | | 1959, c. 34, s. 31. |
| Royal Canadian Mounted Police Superan- nuation..... | | 1959, c. 34. |
| Royal Styles and Titles..... | | 1947, c. 72; 1952-53, c. 9. |
| S | | |
| Saint John and Quebec Railway (<i>See</i> Table of Public Statutes in the Statutes of 1952-53). | | |
| Saint John Bridge and Railway Extension Company..... | | 1952-53, c. 17 |
| Saint John Harbour Commission (<i>See</i> Table of Public Statutes in the Statutes of 1952-53). | | |
| Saint John Wharves and Buildings at Har- bour..... | | 1910, c. 53 |
| Salaries..... | 243 | 1953-54, c. 21; 1960, c. 41, s. 15; 1963, c. 41, s. 7. |
| Salaries of certain public officials..... | | 1963, c. 41. |
| Salmon Fisheries Convention (<i>See</i> Sockeye Salmon, etc.). | | |
| Salt Fish Board..... | 244 | |
| Saskatchewan and Alberta Roads..... | | R.S., 1927, c. 180. |
| Saskatchewan Natural Resources (<i>See also</i> Natural Resources)..... | | 1930, c. 41; 1931, c. 51; 1938, c. 36; 1947, c. 45; 1947-48, c. 69; 1951 (1 Sess.), c. 60. |
| Saskatchewan Natural Resources..... | | 1936, c. 9. |
| Saskatchewan Seed Grain Loans Guarantee. Satisfied Securities..... | 245 | |
| Savings Deposits Returns..... | 246 | Repealed 1953-54, c. 41, s. 122. |
| School Lands (<i>See also</i> Natural Resources Transfer, etc.)..... | | 1907, c. 26; 1908, c. 22. |
| Seals..... | 247 | |
| Second Narrows Bridge, Burrard Inlet, B.C. Secretary of State (<i>See</i> Department of). | | 1935, c. 47. |
| Seed Grains..... | | R.S., 1927, c. 87. |
| Seed Grain, Fodder and other relief..... | | 1915, c. 20; 1919, c. 32. |
| Seed Grains Loan Guarantee..... | | 1937, c. 39; 1938, c. 13. |
| Seed Grain Sureties..... | | R.S., 1927, c. 88. |
| Seeds..... | 248 | Repealed and new, 1959, c. 35. |
| Senate and House of Commons..... | 249 | R.S., c. 310, s. 5; 1953-54, cc. 10 and 13, s. 18; 1963, c. 14. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|--|
| S | | |
| Serb, Croat and Slovene Kingdom, Trade Agreement with..... | | 1928, c. 52. |
| Shipping (<i>See</i> Canada Shipping). | | |
| Shop Cards Registration..... | 250 | Repealed 1952-53, c. 49, s. 68. |
| Signal Dues (<i>See</i> Halifax). | | |
| Small Businesses Loans..... | | 1960-61, c. 5; 1962, c. 19; 1963, c. 30. |
| Small Loans..... | 251 | 1956, c. 46. |
| Sockeye Salmon Fisheries Convention..... | 252 | Repealed 1957, c. 11, s. 10. <i>See</i> Pacific Salmon Fisheries Convention. |
| Soldier Settlement..... | | R.S., 1927, c. 188; 1928, c. 48; 1930, c. 42; 1931, c. 53; 1932, c. 53; 1932-33, c. 49; 1934, c. 41; 1935, c. 66; 1936, c. 10; 1938, c. 14; 1946, c. 33. |
| Solicitor General..... | 253 | |
| Songhees Indian Reserve..... | | 1911, c. 24. |
| South African Trade Agreement..... | | 1932-33, c. 3. |
| Southern Rhodesia Trade Agreement..... | | 1932-33, c. 5. |
| Spanish Treaty..... | | 1928, c. 49. |
| Special Appropriation Act..... | | 1958, c. 21. |
| Speaker of the House of Commons..... | 254 | |
| Speaker of the Senate..... | 255 | |
| Special Operators War Service Benefits..... | 256 | |
| Special War Revenue (<i>See</i> Excise Tax). | | |
| Statistics..... | 257 | 1952-53, c. 18. |
| Statute Law Amendment (Newfoundland)..... | | 1949, c. 6. |
| Steamship Subsidies..... | | 1908, c. 68; 1909, c. 36; 1911, c. 25. |
| Ste-Foy-St-Nicolas Bridge..... | | 1964-65, c. 16. |
| St. Lawrence Seaway Authority..... | 242 | 1953-54, c. 44, ss. 5, 6; 1955, c. 58; 1956, cc. 11, 47; 1959, c. 9; 1962, c. 18; 1963, c. 29. |
| St. Peters' Indian Reserve..... | | 1916, c. 24. |
| St. Regis Indian Reservation..... | | 1927, c. 37. |
| Student Loans (<i>See</i> Canada Student Loans) | | |
| Succession Duty (<i>See</i> Dominion Succession Duty). | | |
| Succession to the Throne..... | | 1937, c. 16. |
| Superannuation (<i>See</i> Civil Service and Public Service). | | |
| Superannuation of Government Employees transferred to Crown Corporations..... | | 1953-54, c. 44. |
| Supervisors War Service Benefits..... | 258 | |
| Supplemental Payments (<i>See</i> Mail Contracts) | | |
| Supply (<i>See</i> Appropriation Acts). | | |
| Supreme Court..... | 259, 335 | 1956, c. 48 |
| Surcharge on Imports Order, etc..... | | 1963, c. 18. |
| Surplus Crown Assets..... | 260 | |
| Sweden (<i>See</i> Canada-Sweden). | | |
| T | | |
| Taber Irrigation District..... | | 1916, c. 26; 1919, c. 72. |
| Tariff (<i>See</i> Customs Tariff). | | |
| Tariff Board..... | 261, 336 | 1955, c. 55, s. 3; 1956, c. 15; 1960-61, c. 18; 1963, c. 41, s. 8. |
| Tax Convention (<i>See</i> Canada-United States, etc.). | | |
| Tax on Business Profits (<i>See</i> Business Profits). | | |
| Tax Rental Agreements..... | | 1952, c. 49. |
| Technical and Vocational Training Assistance..... | | 1960-61, c. 6; 1963, c. 22. |
| Telecommunication (<i>See</i> Canadian Overseas, etc.). | | |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|--|
| T | | |
| Telegraph (<i>See</i> Ocean Telegraph). | | |
| Telegraphs..... | 262 | 1953-54, c. 22; 1956, c. 49. |
| Temiscouata Railway, Requisition of..... | | 1949 (2 Sess.), c. 39. |
| Temiskaming and Northern Ont. Ry., aid..... | | 1913, c. 53. |
| Temperance (<i>See</i> Canada Temperance). | | |
| Temporary Wheat Reserves..... | | 1956, c. 2. |
| Terms of Union with Newfoundland (Approval)..... | | 1949 (1 Sess.), c. 1. |
| Territorial Lands..... | 263 | 1955, c. 17; 1957, c. 36. |
| Territorial Sea and Fishing Zones..... | | 1964-65, c. 22. |
| Three Rivers Harbour Commission..... | | 1927, c. 70. |
| Ticket of Leave (<i>See</i> Parole)..... | 264 | Repealed 1958, c. 38, s. 24. |
| Timber Marking..... | 265 | |
| Tobacco Restraint..... | 266 | |
| Toronto Government House Property (<i>See</i> Government House Property). | | |
| Toronto Harbour Commissioners (1850, c. 80)..... | | 1911, c. 26; 1913, c. 11; 1914, c. 54; 1936, c. 11; 1939, c. 24; 1942-43, c. 17; 1946, c. 67; 1951, (2 Sess.), c. 26; 1955, c. 42. |
| Toronto Harbour Commissioners, Toronto Terminals Ry. Co., C.N. Ry. Co. and C.P. Ry. Co., Agreement between..... | | 1955, c. 42 |
| Toronto (Sales Ordinance Lands)..... | | 1908, c. 51; 1910, c. 49. |
| Toronto Terminals (1906, c. 170)..... | | 1924, c. 70; 1925, cc. 28, 29; 1928, c. 51; 1930, c. 46; (<i>See also</i> 1939, c. 25); 1955, c. 42. |
| Toronto Viaduct..... | | 1913, c. 11; 1914, c. 54; 1924, c. 70. |
| Trade Agreements..... | | 1928, c. 52; 1932-33, cc. 2, 3, 4, 5, 31, 44; 1937, cc. 17, 20, 21. |
| Trade and Commerce (<i>See</i> Department of). | | |
| Trade Mark and Design (<i>See</i> Unfair Competition and Trade Marks). | | |
| Trade Marks..... | | 1952-53, c. 49. |
| Trade Unions..... | 267 | |
| Trading with the Enemy (Transitional Powers)..... | | 1947, c. 24. |
| Trans-Canada Air Lines..... | 268 | 1952-53, c. 50; Name changed to Air Canada, 1964-65, c. 2. |
| Trans-Canada Highway..... | 269 | 1956, c. 12; 1959, c. 10; 1960, c. 22. |
| Transfer of Duties (<i>See</i> Public Service Re-arrangement and Transfer of Duties). | | |
| Transfer of Lands to Ontario and Quebec..... | | 1943-44, c. 30. |
| Translation Bureau..... | 270 | |
| Transport..... | 271 | 1955, c. 59; 1960-61, c. 63. |
| Transport, Department of (<i>See</i> Dept. of Transport). | | |
| Treachery..... | | 1940, c. 43. |
| Treaties of Peace..... | | 1919 (2 Sess.), c. 30; 1920, c. 4; 1922, c. 49. |
| Treaties of Peace (Italy, Roumania, Hungary and Finland)..... | | 1947-48, c. 71. |
| Treaty of Peace (Japan)..... | | 1952, c. 50. |
| Trenton Harbour..... | | 1922, c. 50. |
| Trust Companies..... | 272 | 1952-53, c. 10; 1958, c. 42; 1960-61, c. 55; 1964-65, c. 40. |
| Turkey, Treaty of Peace..... | | 1922, c. 49. |
| U | | |
| Unemployment and Agricultural Assistance..... | | 1937, c. 44; 1938, c. 25; 1939, c. 26; 1940, c. 23, |
| Unemployment Assistance..... | | 1956, c. 26; 1957-58, c. 20. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|---|
| U | | |
| Unemployment Insurance..... | 273, 337 | 1952-53, c. 51; <i>See also</i> 1953-54, c. 65, s. 12; 1955, c. 1; Repealed and new 1955, c. 50, s. 118, 1956, c. 50; 1957-58, c. 8; 1958, c. 2 (Temporary); 1959, c. 36. |
| Unemployment Relief and Assistance..... | | 1936, cc. 15, 46. |
| Unfair Competition..... | 274 | Repealed 1952-53, c. 49, s. 68. |
| Union with Newfoundland (<i>See</i> Newfoundland, etc.). | | |
| United Kingdom Financial Agreement..... | | 1946, c. 12; 1950, c. 50, s. 10; 1951 (2 Sess.), c. 27; 1957, c. 37. |
| United Kingdom Financial Agreement (1953)..... | | 1953-54, c. 11. |
| United-Kingdom Trade Agreement..... | | 1932-33, c. 2; Repealed and new 1937, c. 17. |
| United Nations..... | 275 | |
| United States (<i>See</i> Canada-U.S.A., etc.). | | |
| United States Treaty (Smuggling)..... | | 1925, c. 54. |
| United States Wreckers..... | 276 | |
| Uruguay (<i>See</i> Canada-Uruguay). | | |
| V | | |
| Valleyfield Bridge (<i>See</i> Bridge). | | |
| Van Buren Bridge Co. Agreement with H.M. | | 1918, c. 48. |
| Vancouver Harbour Commissioners..... | | 1914, c. 17; 1916, c. 9; 1922, c. 52. |
| Vehicular Traffic on Dominion Property.... | 277 | Repealed R.S., c. 324, s. 5. |
| Veterans Affairs (<i>See</i> Department of). | | |
| Veterans' Allowance (<i>See</i> War Veterans). | | |
| Veterans' Assistance Commission..... | | 1936, c. 47; 1950, c. 50, s. 10. |
| Veterans Benefit..... | | 1951, c. 62; 1952, c. 52; 1952-53, c. 52; Repealed and new 1953-54, c. 65; 1955, cc. 43, 50, s. 118 (3). |
| Veterans Business and Professional Loans.... | 278 | <i>See also</i> 1953-54, c. 65, s. 9; 1956, c. 21. |
| Veterans Insurance..... | 279, 338 | <i>See also</i> 1953-54, c. 65, s. 7; 1953, c. 43; 1962, c. 6. |
| Veterans' Land..... | 280 | 1953-54, c. 66; <i>See also</i> 1953-54, c. 65, s. 6; 1959 c. 37; 1962, c. 29. |
| Veterans Rehabilitation..... | 281 | <i>See also</i> 1953-54, c. 65, s. 4; 1959, c. 17. |
| Victoria Day..... | 282, 339 | |
| Visiting Forces (British Commonwealth).... | 283 | |
| Visiting Forces (North Atlantic Treaty).... | 284 | 1953-54, c. 13, s. 17. |
| Visiting Forces (United States of America)... | 285 | |
| Vocational Rehabilitation of Disabled Persons..... | | 1960-61, c. 26. |
| Vocational Training Co-ordination..... | 286 | 1953-54, c. 45; Repealed 1960-61, c. 6, s. 15. |
| Volunteer Bounty..... | | 1908, c. 67; 1910, c. 60; 1912, c. 52; 1913, c. 55; 1941, c. 18. |
| W | | |
| Wages Liability..... | 287 | |
| War Appropriation and Revenue Acts (<i>See</i> Table of Public Statutes in the Statutes of 1952-53). | | |
| War Crimes..... | | 1946, c. 73. |
| War Measures..... | 288 | 1960, c. 44, s. 6. |
| War Risk Insurance..... | | 1942-43, c. 35; 1950, c. 50, s. 10. |
| War Service Grants..... | 289 | 1953-54, c. 46; <i>See also</i> 1953-54, c. 65, s. 3; 1959, c. 18; 1962, c. 7. |
| War Veterans' Allowance..... | 290, 340 | R.S., c. 290 repealed by R.S., c. 340, s. 32; 1955, c. 13; 1957-58, c. 7; 1960, c. 36; 1960-61, c. 39. |

| Subject-Matter | R.S., 1952 Chap. | Amendments in years 1907 to 1964-65 |
|---|------------------------|---|
| W | | |
| Water Carriage Goods..... | 291 | |
| Water Conservation (<i>See</i> Canada Water, etc.). | | |
| Water Power in Alberta, Sask. and Man. (<i>See also</i> Dominion Water Powers)..... | | 1929, c. 61. |
| Waterton Glacier International Peace Park.. | | 1932, c. 55. |
| Waterways Treaty..... | | 1911, c. 23; 1914, c. 5. |
| Weekly Day of Rest (<i>See also</i> Lord's Day)... | | 1935, c. 14 (<i>Ultra vires</i> , 1937, A.C. 326). |
| Weights and Measures..... | 292 | 1959, c. 38. |
| West Indian Trade Agreement..... | | 1913, c. 56; 1921, c. 13; 1926, c. 16; 1927, c. (29). |
| Western Dry Dock and Shipbuilding Co. (Subsidy)..... | | 1913, c. 57. |
| Western Provinces Treasury Bills and Na- tural Resources Settlement..... | | 1947, c. 77. |
| Whaling Convention..... | 293 | |
| Wheat Acreage Reduction..... | | 1942-43, c. 10; 1943-44, c. 12. |
| Wheat Board (<i>See</i> Canadian Wheat Board). | | |
| Wheat Co-operative Marketing..... | 294 | |
| Wheat Crop Equalization Payments..... | | 1936, c. 12. |
| Wheat Reserves (<i>See</i> Temporary Wheat Reserves). | | |
| White Phosphorous Matches..... | 295 | |
| Widows Annuities..... | | 1927, c. 74. |
| Winding-up..... | 296 | |
| Windsor Harbour Commissioners..... | | 1957, c. 38; 1960, c. 23; <i>See</i> 1964-65, c. 32. |
| Winnipeg, and St. Boniface Harbour Com- missioners..... | | 1912, c. 55; 1938, c. 17; 1955, c. 6. |
| Winnipeg, Sale of Lands at..... | | 1910, c. 49; 1912, c. 54. |
| Winnipeg Terminals..... | | 1907, c. 52; 1914, c. 57. |
| Women's R. N. Services and the S. A. Military Nursing Service (Benefits)..... | 297 | |
| Y | | |
| Youth Allowances..... | | 1964-65, c. 23. |
| Yukon..... | 298 | Repealed and new 1952-53, c. 53; 1955, c. 23 and c. 48, s. 10; 1958, c. 9; 1960, c. 24 and 1960, c. 46, s. 6. |
| Yukon Administration of Justice..... | 299 | |
| Yukon Placer Mining..... | 300 | |
| Yukon Quartz Mining..... | 301 | |

7 ch

Statutes Canada. Laws, statutes,
Can etc.
1964/65 Statutes of Canada
v.1

PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY
